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New York

President: Mr. Lajčák ..... (Slovakia)

The meeting was called to order at 3.05 p.m.

Agenda items 75 and 129

Report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Note by the Secretary-General (A/72/266)

International Residual Mechanism for Criminal Tribunals

Note by the Secretary-General (A/72/261)

The President: I call on Judge Carmel Agius, President of the International Tribunal for the Former Yugoslavia.

Judge Agius (International Tribunal for the Former Yugoslavia): It is my deep honour to address the Assembly for the second, and indeed last, time in my capacity as President of the International Criminal Tribunal for the Former Yugoslavia (ICTY). At the outset, please allow me to congratulate His Excellency Mr. Miroslav Lajčák of Slovakia on his election as President of the General Assembly at its seventy-second session. It is with great pleasure that I wish Your Excellency a successful tour of duty.

I must note also that our meeting today takes place not long before United Nations Day, on 24 October, which marks the anniversary of the Organization and the entry into force of its founding document, the Charter of the United Nations. I am proud to represent an institution that has played an active role in furthering the principles and purposes of the Charter, and I once again reaffirm our commitment to those ideals and to continuing the fight against impunity for genocide, war crimes and crimes against humanity. Until the very moment that the Tribunal closes its doors, we will continue to reinforce our message to the international community that perpetrators of such crimes must be brought to justice.

Before the Assembly today is the twenty-fourth and final annual report of the Tribunal (A/72/266). The report details the progress made in the past year towards the completion of the Tribunal's mandate and the transition to the International Residual Mechanism for Criminal Tribunals, which I will henceforth refer to as the Mechanism.

As the Assembly is aware, the Tribunal has now completed its work in all but two substantive cases. The judges heard the final arguments in both cases within the past year and have been fully engaged in intensive deliberations and judgment drafting since then. Our resolute determination to conclude all judicial work by the end of November 2017 will result in the delivery of judgments next month, on 22 November for the *Mladić* trial case and on 29 November for the *Prlić et al.* appeal case.

In relation to the contempt case against Petar Jojić and Vjerica Radeta, unfortunately, the news is not so happy. No progress has been made in that case since I stood here a year ago (see A/71/PV.44), and the accused

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are still at large in Serbia, owing to Serbia's continued lack of cooperation with the Tribunal on that matter. That is despite my subsequent reporting of the matter to the Security Council on numerous occasions. Now, given its imminent closure, there is no longer any possibility for the ICTY to try that contempt case, but we will take whatever action is necessary to ensure that the accused will face justice, if necessary, even after the Tribunal closes down. The ICTY sincerely hopes that Serbia will take this final opportunity to comply with the Tribunal's statute and demonstrate a genuine commitment to international criminal justice.

Moving on to more heartening news, I can confirm to you, Mr. President, and to all present that, in line with my solemn commitment to the Assembly, the ICTY will, after 24 years, formally close its doors on 31 December 2017. We will have completed our mandate. On behalf of the Tribunal and its three principals, I would like to thank all States Members of the United Nations and the international community as a whole for their enduring support and assistance over the past quarter of a century. We congratulate Members on their vision back in 1993 and their dedication throughout the Tribunal's life, and we encourage them to recognize the immensity of our joint achievements. In my view, the principal achievement of the Tribunal, and its most important legacy, is its ground-breaking role in the fight against impunity and the successful fulfilment of its mandate to prosecute those who bear the greatest responsibility for the horrific crimes committed in the former Yugoslavia during the conflicts of the 1990s.

As we reflect on the work that the Tribunal has accomplished, I recall that the ICTY blazed a trail of truly remarkable firsts: it was the first international criminal tribunal since the post-Second World War Nuremberg and Tokyo Tribunals; the first tribunal ever established under Chapter VII of the Charter of the United Nations; the first to indict a sitting Head of State; and the first to have all female principals. The ICTY has issued more indictments than any other international criminal court and has successfully brought to justice 161 individuals in respect of serious violations of international humanitarian law.

Also, unlike other courts, the ICTY will close with no outstanding fugitives for core crimes. Numerous jurisprudential firsts have been equally remarkable; for instance, the Tribunal was the first to comprehensively address conflict-related sexual violence; the first to clarify the applicability of the laws and customs of war in non-international armed conflicts; and the first to affirm that the destruction of cultural heritage may amount to a crime against humanity. On front after front, the ICTY has developed not only jurisprudence, but also tools, procedures and programmes to address specialized areas of international criminal law and practice, such as witness protection, State cooperation and judicial efficiency. While the ICTY has also faced numerous challenges throughout its operations, the record will show that it has responded positively, indeed risen, to these challenges in ways that will be relevant for other courts and tribunals in the future.

The achievements of the ICTY do not begin and end in The Hague. Not only has our delivery of justice assisted in rebuilding the trust between the States of the former Yugoslavia and the United Nations, but our numerous outreach and capacity-building programmes have assisted those in the region in putting their countries back together. Today, the former Yugoslav republics have adjudicated numerous cases through their own special war-crimes courts, and their specialized war-crimes prosecutors continue to investigate and bring charges against perpetrators numbering in their thousands. However, let me assure the Assembly, that there is much room for improvement and a need for continued assistance to the relevant institutions and actors on the ground.

In order to ensure that the ICTY continues to contribute to the fight against impunity even after we close our doors and in order to further consolidate its legacy, the ICTY has developed a series of legacy and closing events entitled "ICTY legacy dialogues". I am pleased to inform the Assembly that they have been met with very positive responses so far. As part of that series, the ICTY held a final Legacy Conference in June of this year in Sarajevo, at which the myriad legacies of the Tribunal were discussed with all relevant stakeholders. As members know, the ICTY adopted a set of conclusions and recommendations at the end of the Conference, which are annexed to the annual report that they have before them. We anticipate that they will be of use to other courts and tribunals in future.

The Tribunal has also continued to produce documentaries and short features for dissemination online, as well as in public forums in the former Yugoslavia, and has recently launched a lecture series to tell the stories and share the insights of ICTY staff and defence counsels over their years of service. To further commemorate our closure, the Tribunal will

hold an event on 4 December at the Secretariat in New York, followed by final events in The Hague, consisting of a symposium and a closing ceremony on 18 and 21 December, respectively. It is my hope and expectation that many of the representatives of States Members of the United Nations will join us in New York and in The Hague as we celebrate the Tribunal's unwavering commitment and significant contributions to international criminal justice.

As we prepare for life after the ICTY, I would like to thank the Tribunal's Division of Administration, which, among other sections, continues to play a vital role in ensuring a seamless transfer of responsibilities to the Mechanism, while at the same time taking pains to ensure that our closure remains efficient and an example for other downsizing institutions to follow. By 1 January 2018, the Tribunal will essentially have been liquidated, with all but a few residual liquidation tasks remaining, including dealing with the separation of staff members whose contracts end in December and closing the financial accounts. By then the Mechanism will have assumed full responsibility for all residual functions of the ICTY, as well as its extensive archives.

Incidentally, in relation to the archives, the ICTY has made substantial progress in the preparation and transfer of its paper, electronic, audio-visual and other records for preservation and management by the Mechanism. That work was done in collaboration with the Mechanism in order to ensure that the records will be easily manageable after their transfer and accessible for posterity. As of 1 October, the Mechanism has received approximately 86 per cent of the ICTY's records, which will be housed in the Mechanism's archives, and the remaining records will be handed over to the Mechanism by 31 December.

In these and many other respects, I wish to thank the President of the Mechanism, my colleague Judge Theodor Meron, for his continued cooperation and support as we transfer the remaining functions and records to the Mechanism and navigate our way through these not easy and challenging final months.

The achievements of the Tribunal are the product of the hard work and dedication of all of the judges, principals and staff members of the Tribunal, who deserve to be commended once more. I can only reiterate that the significant progress that we have made since the last report towards the conclusion of our mandate (A/71/263) would not have been possible without the perseverance, exceptional efforts and excellent work of my colleagues, the judges and staff, and I take this opportunity to openly and publicly thank them most sincerely.

Now that we are only weeks away from delivering judgment in the final cases, I wish in particular to pay tribute to the staff in chambers, who have been and are still working around the clock to ensure the cases are completed on time. I must tell the Assembly that the staff who remain at the ICTY are among the most dedicated, professional and loyal individuals I have ever known. Indeed, many have sacrificed opportunities for more secure and lucrative employment prospects elsewhere,so that they may see their work with the ICTY through until the end. I sincerely hope that Member States will continue to encourage the Secretariat and other United Nations entities to favourably consider applications from qualified ICTY staff members, especially those who have chosen to remain with the Tribunal until the completion of their contracts.

I take this opportunity also to thank the Secretary-General for his unwavering support for the work of the Tribunal since his appointment and for wholeheartedly backing the efforts undertaken by the Tribunal to fulfil its mandate. Similarly, I would like to recognize the Legal Counsel and his Deputy and their team for their ongoing valued assistance throughout our final year.

As I stand before the Assembly today, marking my final appearance before it as President of the ICTY, I believe that we can all be extremely proud of what the Tribunal has accomplished since 1993. I, personally, could not be prouder of our many contributions to the fields of international criminal law and international humanitarian law, to the region of the former Yugoslavia, to other courts and tribunals, and, of course, to international justice more broadly. The States Members of the United Nations can — and should — share in that sense of pride because, without them, the ICTY would never have been created or given the means and resources with which to succeed. I therefore conclude by expressing once more my gratitude to all Member States and by wishing them success, courage and determination as they carry forward the ideals and dedication to justice for which the ICTY, together with them, has stood and which the ICTY has shown can be achieved.

The President: I now call on Judge Theodor Meron, President of the International Residual Mechanism for Criminal Tribunals.

Judge Meron (International Residual Mechanism for Criminal Tribunals): It is my privilege to appear before the Assembly as President of the International Residual Mechanism for Criminal Tribunals. Before proceeding, I would like to congratulate you, Mr. President, on your assuming the presidency of the General Assembly at its seventy-second session. I wish you, Sir, every success during your term.

I also wish to acknowledge the invaluable support provided by the Office of Legal Affairs and especially by Mr. Miguel Ferreira de Serpa Soares, Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, and Mr. Stephen Mathias, Assistant Secretary-General for Legal Affairs.

Finally, I wish to acknowledge my colleague, President Agius. As a former President of the International Criminal Tribunal for the former Yugoslavia myself, it is a particular privilege to appear together with him in this Hall today on the milestone occasion of the final report of the International Tribunal for the Former Yugoslavia (ICTY) to the Assembly (A/72/266).

A few weeks ago, the world lost a titan in the field of international law, Professor M. Cherif Bassiouni. He was, notably, among the first to call for the creation of a tribunal to try those accused of grave violations of international law in the former Yugoslavia, and he was instrumental in the creation of the International Criminal Court. He is, in many respects, the founding father of modern international criminal law, to whom we are all deeply indebted for his legal wisdom and his moral insight. As Professor Bassiouni recognized,

> "peace is not merely the absence of armed conflict. It is the restoration of justice, and the resort to the rule of law to mediate and resolve conflicts".

It was in recognition of those very principles — the irreplaceable role of justice and the need to ensure accountability for horrific violations of international law through the rule of law — that in 1993 the ICTY was established and, a year later, the International Criminal Tribunal for Rwanda (ICTR). The commitment of the United Nations to seeking accountability when faced with mass atrocities has continued apace over the past quarter century and continues to this day, both in this Hall and elsewhere in the Organization. The Mechanism was born of that same commitment to justice and the rule of law, in recognition of the fundamental need to ensure that the remaining fugitives could and would still be called to account, even after the closure of the ICTY and the ICTR.

However, the creation of the Mechanism bespeaks something more — a recognition that, with justice, come certain enduring responsibilities, which remain even after the Tribunals' final judgments on trial or appeal have been handed down. I speak of responsibilities for vulnerable victims and witnesses who have been granted protection to facilitate their testimony, for convicted persons who are serving their sentences or are seeking to have them revised, for States and individuals that provided sensitive information that is now preserved in the invaluable archives of the two Tribunals and for those communities that seek to ensure accountability in their own courts for the terrible crimes that were committed in Rwanda and the former Yugoslavia.

Those are solemn undertakings. If we at the Mechanism were to fail to meet those residual responsibilities, it would be a failure not only for the legacies of the ICTR and the ICTY, but also for international justice, risking the unravelling of all that has been built over the past quarter century. What victims and witnesses would come forward in future to give evidence on what they have seen in Syria, in Iraq or in countless other conflicts if it becomes apparent that we cannot continue to provide the protections that have been granted to victims and witnesses who appeared before the ICTR and the ICTY? What State would cooperate with future investigations by providing sensitive information if we cannot ensure the safeguarding of the confidential information that made possible essential elements of the ad hoc tribunals' work? What quality of justice is rendered in court if, in years to come, we cannot guarantee that prisoners' conditions of confinement remain consistent with basic human dignity?

The Mechanism's mandate is indisputably limited in material and temporal scope, and its functions are residual in nature. However, our successful completion of that mandate is both the necessary consequence of what has already been achieved by international justice and an essential precursor to continued progress in our fight to end impunity for violations of international law.

As set forth in the Mechanism's written report (A/72/261), submitted in August, we have made important strides in carrying out the Mechanism's mandate over the course of the past year. In the time remaining, I will highlight a few of the important developments set forth in our report.

First, since I last appeared before the Assembly (see A/71/PV.44), the Mechanism has welcomed a new Registrar, Mr. Olufemi Elias of Nigeria. I very much appreciate his effective leadership of the Registry and the support that he gives me in my role as President.

On the judicial front, the Mechanism commenced its first retrial in June, in the case of *Stanišić and Simatović*, and that trial proceeds apace. I am pleased to report that in the case of *Ngirabatware*, a bench of the Mechanism's Appeals Chamber, as originally constituted, was able to resume its work in June, and a hearing in that case will take place in the coming months.

The Mechanism's Appeals Chamber remains seized of appeals in the cases of *Karadžić* and *Šešelj*, and a hearing in the latter case has been scheduled for 13 December. The Appeals Chamber stands ready to hear any appeal that may follow issuance of the ICTY trial judgment in the case of *Mladić*, which is anticipated next month. All the while, the judges of the Mechanism continue to address a variety of requests and applications, with the great majority of the judges working part-time from their homes and offices the world over.

The judges of the Mechanism also stand ready to try the remaining fugitives indicted by the ICTR, and the Mechanism's Prosecutor, Mr. Serge Brammertz of Belgium, is committed to arresting and bringing those fugitives to justice. His Office is refocusing and strengthening its efforts in that regard, recognizing that the window of opportunity will not remain open forever.

In November of last year, the Mechanism opened its landmark new premises in Arusha at a ceremony presided over by Her Excellency Samia Hassan Suluhu, the Vice-President of the United Republic of Tanzania. In that context, I wish once again to record our sincere gratitude to the Government of the United Republic of Tanzania, together with which a shared vision for the future has been realized under the guidance of the Assembly.

Over the course of the past year, staff in Arusha and The Hague have been working together to ramp up the Mechanism's administrative capacity, so as to ensure smooth operations on both of the continents where the Mechanism operates following the ICTY's closure at the end of this year. We remain grateful for all that the staff of both the ICTR and the ICTY have done over the years to provide administrative and other support to the Mechanism during the institutions' respective periods of coexistence, and for the very significant economies gained through those arrangements.

In all that we do, we also remain dependent upon the ongoing support and cooperation of Member States. In Africa in particular, and in Europe, we have continued to work with partner States over the past year to make significant advances in areas such as the enforcement of sentences and the relocation of acquitted and released convicted persons, to mention but two key areas of fruitful cooperation. Simply put, the successful, timely and efficient completion of the Mechanism's mandate will not be possible without the continued support and cooperation of Member States.

Professor Bassiouni once wrote — quite rightly — that no price can be put on the value of doing what is right. At the same time, however, I am keenly aware that the resources to carry out our mandate are necessarily limited, and that our careful stewardship of those resources is itself a solemn responsibility. With that in mind, we must — and will — ensure that our work is undertaken with the greatest efficiency and the greatest efficacy and in the most cost-effective manner possible, including by ensuring that our judicial proceedings are conducted as expeditiously as possible. We strive to continually identify and implement best practices and technological innovations wherever possible and to budget responsibly accordingly.

We also remain ever mindful that ours is a small and temporary institution, whose functions and size will diminish over time, such that, even as we are in the final stages of establishing an administrative capacity to stand on our own and are entering a period of peak judicial activity, we are already planning for the steps necessary to scale down thereafter. We owe nothing less to the Organization and to the public interest of the international community at large, which, together, we serve.

Mr. Cheshire (New Zealand): I have the honour to speak today on behalf of Canada and Australia as well as my own country, New Zealand.

Canada, Australia and New Zealand wish to reaffirm our strong support for the work of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Residual Mechanism for Criminal Tribunals. Their work accords with our long-standing support for efforts to break the cycle of impunity for the most serious international crimes, regardless of where they occur.

Speaking for my own country, New Zealand, we feel a special sense of connection with the work of the Tribunals, as we were serving on the Security Council when both the ICTY and the International Criminal Tribunal for Rwanda (ICTR) were established 24 years ago.

Now, as we look ahead to the final months of the ICTY, we can be proud of its achievements. They include delivering justice to victims of some of the most horrific atrocities in recent history, the Tribunal's contribution to international criminal law jurisprudence and international humanitarian law, the prosecution of sexual and gender-based violence, and assisting with the establishment of specialized war-crimes chambers in the region. The ICTY has rendered justice in the complex criminal proceedings before it and has made, through its outreach programme, a lasting impact on the region.

There have been challenges, but the two Tribunals leave behind a rich legacy that demonstrates what we can achieve when we all work together towards our common goals of accountability and of ending impunity for those who commit serious international crimes in complex conflict situations. We look forward to the Mechanism continuing that legacy.

During the course of the ICTY mandate, proceedings have been completed for 161 individuals indicted by the Tribunal. The Tribunal is working hard to deliver the judgments in the two remaining cases on time. However, as we have heard, serious challenges remain for the ICTY to complete that work. Canada, Australia and New Zealand thank the Tribunal for managing the challenges in fulfilling its completion strategy and focusing its resources on its core completion work, drawing on the lessons learned from the earlier closing of the ICTR. We welcome in particular the practical measures adopted by the Tribunal in providing incentives for staff members to remain with the ICTY until the end of their contracts. We commend the Tribunal for its perseverance on that issue.

As we pay tribute to the significant achievements of the ICTY, the reports of ongoing and widespread denial and revisionism regarding the value of the Tribunal's work are concerning. The important record of the crimes and facts established by both Tribunals cannot be understated. Acknowledgement of the crimes that have been established to have been committed is critical in order to prevent such atrocities from occurring again.

We are pleased to see the Mechanism's continued commitment to maximizing effectiveness and efficiencies, building upon the best practice of both Tribunals. We commend the flexibility that the Mechanism has shown during the transition phase with the ICTY, including through the one-office approach and dual-hatting of some staff. We welcome the Mechanism's progress in exploring ways to address the issue of the relocation of those acquitted and of released persons remaining in the Arusha safe house, which led to the relocation of two more individuals in December. We reiterate our call for the Mechanism to develop a process for risk-based assessments for relocation and encourage the Mechanism and States to continue to work together to address that pressing issue.

The cooperation of all relevant States with the ICTY and the Mechanism remains essential for the fulfilment of their mandate. All States are required to cooperate with the Tribunals in order to ensure that justice is delivered. That obligation applies particularly to the States in the region. The obligation to cooperate fully with the ICTY and the Mechanism is set out in the Chapter VII resolutions, which also require States to take any necessary measures under their domestic law to implement the resolutions establishing those bodies. They include the obligation to comply with requests for assistance or orders issued. Those obligations cannot be abrogated on the basis of domestic-law constraints.

We therefore urge all States in the region to lend their full support both to the ICTY in the final months of its operation and to the Mechanism once it assumes full responsibility for ICTY functions. While we understand that it is important to respect the differing competencies of the judiciary and the executive, the obligation to cooperate is binding and cannot be avoided. We also encourage greater cooperation with the Mechanism so

as to bring to justice the eight individuals who have been indicted by the ICTR but remain at large.

The successful completion of the Tribunals' work and their ultimate legacy for international criminal justice is dependent, in large part, on the individual and collective efforts of Member States. For our part, Canada, Australia and New Zealand will continue to offer our full cooperation to the ICTY and to the Mechanism to give practical effect to our steadfast commitment to international criminal justice.

The President: I now give the floor to the observer of the European Union.

Mr. Chaboureau (European Union) (*spoke in French*): I have the honour to speak on behalf of the European Union and its member States. The candidate countries of the former Yugoslav Republic of Macedonia, Montenegro and Albania, as well as Ukraine, associate themselves with the following statement.

We thank Judge Carmel Agius for his presentation of the twenty-fourth and final annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (A/72/266), which is the final report of the International Criminal Tribunal for the Former Yugoslavia (ICTY) under article 34 of the Statute of the Tribunal. We note with satisfaction that the Tribunal's projections concerning the completion of ongoing judicial procedures in the cases *The Prosecutor v. Ratko Mladić*, on trial, and *The Prosecutor v. Prlić et al.*, on appeal, remain the same. We can therefore expect the Tribunal to deliver its final verdicts in November.

The European Union and its member States are gravely concerned by Serbia's lack of cooperation with regard to the arrest warrants issued by the Tribunal against persons accused of contempt of the Tribunal within the framework of the case of *The Prosecutor v. Vojislav Šešelj*. That marks Serbia's return to the practice of non-cooperation with the Tribunal in terms of the arrest and transfer of the indictees. The absence of a verdict against the indictees would constitute a failure both for the Tribunal, as the end of its mandate could prevent the closure of those cases, and for the international community in its fight against impunity and for the promotion of international criminal justice.

We call on Serbia, as a country negotiating its accession to the European Union, to immediately begin working with the Tribunal so as to execute the arrest warrants. Full and total cooperation with the Tribunal and with the International Residual Mechanism for Criminal Tribunals remains essential. The European Union insists that it is necessary for Serbia to cooperate fully with the Tribunal, including by unreservedly accepting and implementing the judgments and decisions of the ICTY.

We congratulate all of the bodies of the Tribunal on their activities throughout the reporting period. In that vein, we thank Judge Carmel Agius for the visits he has paid to Governments and international organizations, especially European Union institutions, with a view to ensuring their support and cooperation.

With regard to the closure of the Tribunal, we attach great importance to the unhindered liquidation of the Tribunal's assets and liabilities, as well as to the transition to the Mechanism. We also commend the Tribunal for its positive achievements in terms of establishing gender balance among its staff.

The prosecution of serious crimes by national courts in the region of the former Yugoslavia is essential for the consolidation of the rule of law, the quest for the truth, reconciliation among its peoples and, consequently, the maintenance of peace in the region. In that regard, the work of the Office of the Prosecutor aimed at cooperating with its counterparts in the countries concerned and improving the capacity, independence and impartiality of their judicial systems so as to assist them in prosecuting such serious crimes is fundamentally important.

Despite the progress noted by the Prosecutor concerning the prosecution of war crimes, crimes of genocide and crimes against humanity by national judicial authorities in the region of the former Yugoslavia, we are deeply disappointed by the trends observed in a number of candidate and potential candidate countries to the European Union to deny crimes committed during the conflict in the former Yugoslavia and to reject facts that have been established through the Tribunal's judgments. Revisionism and the defence of war crimes undoubtedly represent a threat to the stability of the entire region. In that framework, judicial cooperation under international law, including international criminal law, provides an instrument to combat such trends and strengthens efforts to ensure regional stability.

A few months prior to the Tribunal's closure, the European Union and its member States will pay tribute to the 7,000 employees, as well as the 87 Judges, five Prosecutors and four Registrars, who have worked for the Tribunal over the past 24 years. The Tribunal has completely fulfilled the mission entrusted to it by the Security Council, which was to prevent serious crimes committed during the armed conflicts that took place in the former Yugoslavia in the 1990s from going unpunished. We would like once again to draw the attention of the General Assembly to the Tribunal's contribution to the maintenance of peace and stability in a region that was formerly at war.

Moreover, the contribution of the Tribunal to the implementation of international humanitarian law and international criminal law is significant and its legacy must be preserved not only for the benefit of future generations in general, but also, more specifically, for the benefit of other criminal international criminal courts, including the International Criminal Court, as well as national courts and tribunals. It is therefore of the utmost importance that an appropriate implementation of international humanitarian law and international criminal law continue to be the guiding principle of the Tribunal until the end of its mandate.

The European Union and its member States welcomed the very positive outcome of the International Tribunal for the Former Yugoslavia Legacy Dialogues Conference, held in Sarajevo in June as part of a series, and look forward to the outcome of the symposium to be held in The Hague on 18 December, which will be followed by the closing ceremony for the Tribunal on 21 December.

Concerning the Mechanism, the European Union and its member States thank President Theodor Meron for transmitting the fifth annual report (A/72/261) of the Mechanism in accordance with article 32 (1) of its statute. We welcome the close cooperation that it has established with the Tribunal. It is of the utmost importance that those two judicial institutions work closely together during the remaining period of the Tribunal's mandate so as to enable the Mechanism to exercise the residual functions of the Tribunal.

We commend all the entities of the Mechanism for the work accomplished during the period covered by the report. We take note of the provisional release of Judge Aydin Sefa Akay, thanks to which the review proceedings in the case of *The Prosecutor v. Augustin Ngirabatware* were able to resume. We call for new measures to resolve that matter with full respect for international law.

We welcome the work of the Office of the Prosecutor aimed at locating the eight persons at large and trying them before the Mechanism or a court under Rwandan jurisdiction. We express our gratitude to the international organizations and Governments that have helped the task forces established by the Office of the Prosecutor to locate the fugitives.

As in the case of the Tribunal, we believe that the prosecution by national jurisdictions of the crimes committed in Rwanda is crucial to the fight against impunity. The assistance provided by the Office of the Prosecutor is of paramount importance in that regard.

We welcomed the inauguration of the new premises of the Arusha branch of the Mechanism in Tanzania on 25 November 2016. We support the Mechanism's preference for maintaining the current premises at The Hague after the Tribunal's closure. Keeping those premises open will facilitate the transfer of residual functions of the Tribunal to the Mechanism, thereby contributing to the effectiveness of the Mechanism and to its cost-effectiveness.

With regard to the enforcement of sentences, we would like to thank the Member States that have concluded agreements with the Mechanism for the implementation of the relevant penalties on their territory, and we encourage other Member States to conclude similar agreements. We are grateful to the African States that have agreed to host released or acquitted persons on their territory, and encourage other Member States to conclude such agreements with the Mechanism in that area.

The European Union and its member States will continue to be firm advocates of international criminal justice, the mission of which is the promotion of the rule of law, combating impunity and the maintenance of international peace and security. We call on all States to cooperate with the Tribunal until the end of 2017 and thereafter with the Mechanism in full compliance with their obligations as set out in the relevant Security Council resolutions.

Ms. Kuret (Slovenia): It is an honour for me to represent the Republic of Slovenia in this important discussion. Slovenia aligns itself with the statement just delivered on behalf of the European Union. In addition,

we wish to contribute to today's discussion from our national perspective.

First, allow me to express Slovenia's appreciation to the President of the International Tribunal for the Former Yugoslavia (ICTY), Judge Agius, and to the President of the International Residual Mechanism for Criminal Tribunals, Judge Meron, for their respective informative reports (A/72/266 and A/72/261) on developments within the Court and the Mechanism.

Following more than 24 years of hard work with historic achievements and many lessons learned, the ICTY will close by the end of this year. Today's occasion warrants a reflection on the Court's accomplishments and legacy. Slovenia takes this opportunity to express its utmost appreciation to the Tribunal for all its endeavours and to pay tribute to its far-reaching contribution.

The ICTY was established in response to a dire need to deal with some of the most tragic events in recent times. It was established as a unique tool for combating impunity through the authority of the Security Council. The establishment, functioning and jurisprudence of the ICTY have all contributed importantly to enhancing and consolidating international criminal law and international humanitarian law. The Court has been instrumental in bringing about justice and giving a voice to thousands of victims of the most heinous crimes. It has inspired the international concept of transitional justice and affirmed the critical importance of outreach activities. Moreover, the Court contributed to the establishment of facts and the strengthening of national capacities, and, importantly, it affirmed that no one is above the law, not even leading politicians.

It is therefore not surprising that the ICTY inspired the establishment of other international criminal courts, including the International Criminal Court, which is the first of its kind. Despite the ICTY's numerous and historic accomplishments, however, the process has not been without challenges and criticism. A sense of incompleteness remains, not least due to the fact that not all of those who were indicted were given a final verdict. The lessons that we learned from the experiences of the ICTY are therefore relevant in terms of making further improvements.

Given the proximity of the Western Balkan region to Slovenia, we have followed the work and developments of the Court closely. We remain aware of the persistent challenges, including the rise of nationalism. Intolerance, outstanding bilateral issues and the pursuit of particular political interests across the region also stand in the way of needed reform. Sadly, the region is still burdened by memories and resentment. Ongoing impunity for crimes committed on the territory of the former Yugoslavia only deepens that sentiment.

Further, the growing instances of crimes committed during the conflict in the former Yugoslavia being denied are a source of concern. The revisionism and glorification of war crimes are indubitably counterproductive to the stability of the region. As part of its foreign-policy priorities, Slovenia is striving to contribute to reconciliation in the territory of the former Yugoslavia and stability in the Western Balkan region. That is why Slovenia has always resolutely supported the work of the ICTY.

It is our firm conviction that concluding trials against individuals charged with atrocity crimes is essential for the past to be accepted and responsibility assumed. This, in turn, is decisive for paving the way to long-term peace and reconciliation among nations of the region. Teaching objective historical truth is also essential for greater development and stability in the region; it is the best way to ensure a better future — one that is not burdened with the past — for the young generation. Against this background, Slovenia wishes to commend the Court for its legacy strategy. In particular, we welcome the idea of establishing information centres in the countries concerned. This will ensure that information about the work of the ICTY remains accessible to the public.

Slovenia is pleased that all 161 individuals indicted for serious violations of international humanitarian law have been accounted for. This is an important aspect of the Court's success. Accordingly, we wish to reiterate that full and prompt cooperation with the Court, which is prescribed by international law, remains crucial.

Respect for and application of decisions by international tribunals cannot depend on political convenience. Instead, they should reflect a commitment to respect for the rule of law. Any other approach would be perceived as no more than a deliberate failure to comply with the obligations set forth by international law. As the ICTY is slowly winding down its operations, it will be vital for countries to show a commitment to combating impunity at the national level, in good faith and with due respect for the principles of *res judicata* and *ne bis in idem*. In these efforts, judicial cooperation will continue to play an important role.

Just as the Nuremberg and Tokyo trials form part of our collective memory, the ICTY will leave a permanent mark through its normative and non-judicial legacy, which will continue beyond the Tribunal's closure to inform the work of national, regional and international jurisdictions. Furthermore, the legacy of the ICTY will inform the consideration of such critical issues as the quality of judges and the importance of effective cooperation and financial stability. This legacy will also remind us to manage expectations so as to avoid raising unattainable hopes.

But most importantly, the legacy of the Tribunal should be a pledge by the international community to the world that those responsible for atrocities will be brought to justice. It should be a reminder to future generations that the most tragic chapters in recent European history should never be repeated. Slovenia looks forward to the completion of the ICTY mandate, its timely closure and an efficient transition process to the International Residual Mechanism for Criminal Tribunals. We remain committed to promoting the rule of law and accountability.

Mrs. Rugwabiza (Rwanda): I thank Judges Agius and Meron for their briefings on the activities of the courts.

More than 20 years ago, the Security Council decided to create the Tribunals to try those responsible for serious violations. In this regard, the systems we create always require us to look back and check their usefulness. It is within this perspective that Rwanda is participating in today's debate — to see whether the International Criminal Tribunals in place have met expectations in terms of ensuring accountability.

While Rwanda remains concerned that several fugitives, including the three top-priority figures, are still at large, we commend the efforts of Office of the Prosecutor in its efforts to reform and strengthen its fugitive-tracking unit. Our wish is to see this initiative give rise to tangible results. We also appreciate the cooperation between the Office of the Prosecutor of the International Residual Mechanism for Criminal Tribunals and Rwanda's national prosecution office. We reiterate our call to States Members of the United Nations to collaborate with the Rwanda national prosecution office and the Office of the Prosecutor of the Mechanism to arrest fugitive perpetrators of genocide, pursuant to Security Council resolutions, and urge the Member States harbouring those fugitives to honour their obligations under international law and arrest them.

Rwanda will limit its observations to the performance of the International Criminal Tribunal for Rwanda (ICTR), which was given the mission by the Security Council to contribute to the process of national reconciliation and the restoration of international peace, to stating that, in our experience, these objectives are far from having been achieved. The simple reason for that is that most of the master-planners of the 1994 genocide are still at large.

I would like to speak to the issue of early release. Rwanda is deeply concerned at the alarming number of pardons and of convicted masterminds of the genocide being granted early release, despite the gravity of the crimes committed, namely, the crimes of genocide and crimes against humanity. This use of early release is in total disregard of the rules of procedure. While the rules of procedure for the Mechanism for the Criminal Tribunals are very clear with respect to the commutation of sentences and pardons, the Practice Direction on the procedure for the determination of applications for early release does not provide for transparency in the process. Nor does it allow for any form of recourse, as it excludes consultations with prosecutors, national judges and the Government of Rwanda, although the rules of procedure and evidence clearly stipulate that the Government of Rwanda should be notified of any application and request for early release.

In addition, in cases where those convicted have been granted early release, there are no measures in place for ongoing monitoring to guarantee that these individuals are not re-engaging in genocide ideology. Indeed, there is publicly available evidence that the beneficiaries of early release by the Mechanism are now actively spreading genocide ideology with total impunity.

The International Residual Mechanism for Criminal Tribunals does not require convicts to sign statements indicating that they understand that any early release is subject to certain conditions. It is clear that even when granted early release or a reduced sentence, a convict is in no way impeded from continuing to promote the kinds of divisive, sectarian and genocide ideology described in the progress report submitted by the Prosecutor to the Security Council (see S/2017/434, annex II). We also note that the progress report discusses increasing incidents of denial of genocide, which are warning signs

that must not be ignored by the General Assembly, as they could undermine the great strides that have been made in past decades towards ending impunity for war crimes, genocide and crimes against humanity.

In conclusion, I wish to point out that, with respect to monitoring cases referred to national courts, we note with regret from the Prosecutor's reports that no action has been taken by several countries in the 10 years that they have had cases referred to them. Repeated delays in proceedings in cases referred by the ICTR, now the Mechanism, are tantamount to a denial of justice and make it difficult for these institutions' stated commitment to international justice and the protection of all human rights, including the right to justice, to be credible.

Mr. Backović (Serbia): It is my honour to address the General Assembly today as the representative of the Republic of Serbia. I would like to welcome Judge Carmel Agius, President of the International Criminal Tribunal for the Former Yugoslavia (ICTY), and Judge Theodor Meron, President of the International Residual Mechanism for Criminal Tribunals, and thank them for their annual reports (A/72/266 and A/72/261).

The common goals of Member States related to the key principles of international criminal law and international humanitarian law have led, inter alia, to the establishment of two main tracks to fight against impunity for the most serious international crimes. First, Member States renounce a significant part of their competencies with regard to the prosecution of war crimes in favour of international criminal tribunals. Secondly, they work to establish and improve the quality of special mechanisms in their national judicial systems so as to strengthen them, leading thereby to the efficient prosecution of war crimes.

Efforts made by individual States to achieve tangible results on both tracks are not always equally fruitful, but they are also not always judged equitably. The same is true of the assessment of the ICTY's efforts when its results are compared to those of individual States. However, if we take note of the steps taken to date by Serbia to date in this regard, it is hard to deny the fact that Serbia is probably the only country that has successfully fulfilled its roles on the two tracks related to prosecuting war crimes, in particular serious international crimes. In other words, Serbia is second to none when it comes to the prosecution of war crimes and its cooperation with the ICTY.

With respect to the obligation to cooperate with the ICTY, Serbia has fully complied at both the legislative and implementation levels. Our criminal legislation is fully aligned with relevant standards, which allows us too cooperate with the ICTY without exception in terms of all acts that the Security Council recognized in the ICTY Statute as serious international crimes. Based on this legislation, Serbia has proved its commitment, which is seen in the number and rank of defendants who have been surrendered to the ICTY.

The Republic of Serbia has handed over to the Tribunal 45 of the total of 46 defendants whose surrender was demanded from Serbia. One defendant committed suicide before he could be handed over to the Tribunal. We are therefore speaking about 100 per cent compliance. Of the 45 defendants turned over, 14 were arrested in Serbia, 4 were arrested abroad within the framework of cooperation among national security services and foreign agencies, and 27 defendants voluntarily surrendered.

In addition to numbers, I must point out the rank of the persons surrendered. Almost all of them were highly ranked officials. Some even occupied leading positions in the Serbian army and the executive branch of the Administration. This shows that Serbia has cooperated with the ICTY without compromise. I am not sure that the same could be said about any other State.

In addition, Serbia provided the ICTY Prosecutor with free access to important evidence located in Serbia, such as documents, archives and witnesses. To date, Serbia has positively resolved all 2,183 requests for assistance received from the Offices of the ICTY. In addition, all 2,172 requests we received from the Office of the ICTY Prosecutor have been granted. Serbia allowed 759 witnesses to testify freely despite the rights or obligations they had to withhold testimony on the grounds that State, military or official secrets were involved. Another 1,338 requests were made by various defence teams to the Serbian authorities; none of these requests for assistance remain pending, nor are they any outstanding disputes.

Serbia carried out all 11 requests for witness protection. Furthermore, Government agencies successfully monitored all provisional release cases and ensured that all the accused were returned to detention under ICTY supervision upon request. Currently, the Serbian authorities are monitoring only one case of provisional release.

With respect to the other track, Serbia has continuously worked to improve its national judicial system, in line with the strategic course provided in the Action Plan for Chapter 23 and the national strategy for the prosecution of war crimes adopted by the Government in 2016. To streamline reform processes, the Serbian Government recently established a monitoring mechanism to closely oversee the implementation of the national strategy. The mechanism is coordinated by a working group headed by the Minister of Justice and the newly elected War Crimes Prosecutor. We believe that the mechanism will make a significant contribution to the dynamics of reform.

In parallel, Serbian authorities are working on strengthening the capacities of the Office of the War Crimes Prosecutor. Two indictments for war crimes against six individuals were issued in Serbia in 2016. Some 420 cases are currently under review by the War Crimes Prosecutor and awaiting a decision as to whether they will be prosecuted. The monitoring of war-crimes-trial proceedings by the Organization for Security and Cooperation in Europe's Mission to Serbia and civil-society organizations remains ongoing, and special training is being provided to judges, public prosecutors and police officers participating in the investigation and prosecution of war crimes. The Ministry of Justice recently completed comprehensive analysis activities in preparation for the drafting and adoption of the new national strategy to improve the situation of victims and witnesses.

We fully support the comments made in the ICTY report on the importance of reconciliation and cooperation in the region, and our commitment to this idea is made clear in the statistical data on regional cooperation. According to statistics from the Office of the War Crimes Prosecutor, in 2017, Serbia resolved 32 out of 50 requests from Bosnia and Herzegovina. Ten requests were denied, while eight are still pending. Six out of 15 requests from Croatia have been resolved; none were denied, but nine are still pending. Meanwhile, only 16 out of 30 Serbian requests have been positively resolved by Bosnia and Herzegovina. The results are ever worse with respect to the requests for assistance that we submitted to Croatia — only two out of nine requests have been positively resolved.

Despite all the facts that prove Serbia's commitment to the efficient and non-selective prosecution of war crimes, there are unfortunately some parts of the ICTY Prosecutor's report contained in S/2017/436 that go significantly beyond the facts, the law and even the basic rule of law and principles of democratic society. In this report, in the case of *Prosecutor v. Petar Jojić et al.*, the Serbian obligation to respect the decisions of independent Serbian courts is seen as an absence of political will to cooperate with the ICTY.

The *Jojić* case is one of contempt of court. It is not a war-crime case, nor is it a case of an alleged serious war crime; rather, it is a case of contempt of court for the alleged intimidation of witnesses. Serbian courts ruled that these indictees could not be extradited to the ICTY, as that is not provided for in Serbian law. The relevant Serbian law is a word-for-word translation of ICTY Statute. Therefore, not only does Serbian law not provide for extradition of persons who were not indicted for serious war crimes, but the ICTY Statute also clearly excludes extradition for alleged crimes that are not serious war crimes. I ask everyone present to please read the Statute, or better yet, have their lawyers read the Statute.

Why does the Statute not provide for the type of extradition that is being sought by the Tribunal? There are two possibilities. First, this type of extradition may have intentionally not been provided for, which is most likely, given that the Statute explicitly provides for the extradition of only those accused of serious war crimes. In other words, if the Statute does not provide for extradition for those accused of crimes other than serious war crimes, then, naturally, it will not provide for the extradition of people indicted or accused of lesser, ancillary crimes; that much is obvious. Secondly, pursuant to the explanation proffered by the ICTY, if the drafters of the Statute had in fact intended to provide for the extradition of indictees for crimes other than serious war crimes, their failure to actually do so was a substantial error on their part. If they had wanted to provide for such extradition in the Statute, they should have put it in the Statute.

Regardless of which of these hypothetical explanations is accurate, it is simply erroneous to now require the Serbian Government to fix the problem or mistake. It is equally wrong to label the Serbian Government's adherence to the rule of law in this case as a lack of political will. I submit to the General Assembly that the rule of law cannot be advanced by violating the rule of law.

The ICTY has completed its operations, but I am not sure that it can be said that it has accomplished

its mission. In my foregoing remarks, I have briefly described the steps that Serbia has taken to deal with war crimes. However, if we apply the same criteria used to assess Serbia to assess the ICTY's results, I would say that the outcome could be negative, in terms of the average length of proceedings, the lack of respect for procedural guarantees for the accused, and the national character of defendants, decisions and sentences. However, none of this will influence Serbia's commitment to the non-selective prosecution of war crimes.

In conclusion, I would like to emphasize once again the indisputable need for us to work together on promoting the basic values and common understanding of future cooperation and reconciliation in the region. Without further challenging the ICTY results in this regard, I believe that the milestone of future regional stability should be reached through the efforts of individual countries in the region, as well as in their active, open and constructive dialogue and cooperation.

Mr. Arrocha Olabuenaga (Mexico) (*spoke in Spanish*): Mexico expresses its appreciation to the International Criminal Tribunal for the Former Yugoslavia for the valuable work that it has carried out during its 24 years of operation. As the first ad hoc international criminal tribunal created by the Security Council under Chapter VII of the Charter of the United Nations, the Tribunal is undoubtedly a landmark, historic achievement. Its jurisprudence has greatly contributed to the interpretation and development of international criminal law, which for four decades had relied exclusively on the legacies of the Nuremberg and the Far East tribunals.

The rulings of the Tribunal have set precedents that are used in the work of the other international and hybrid criminal tribunals that were subsequently established, including, of course, the International Criminal Court. The fact that the Tribunal has succeeded in the investigation and prosecution of the 161 indicted individuals and that there are no remaining fugitives is a clear success story that serves as an example for all tribunals to come.

Mexico commends the efforts undertaken by the Tribunal to complete its work and fulfil its mandate by the end of 2017, in full respect of procedural guarantees and the rights of the defendants to a fair trial. We also commend the Tribunal's efforts aimed at ensuring the timely and effective transfer of its functions to the International Residual Mechanism for Criminal Tribunals.

Mexico participated actively in the negotiations towards and, since 2010, has supported the establishment of the Residual Mechanism. We welcome the progress that the Mechanism has made so far. We recognize that its work is essential, not only to complete the residual judicial tasks of the predecessor Tribunals, including appeals and the ongoing protection of witnesses and victims, but also to preserve and disseminate the valuable international criminal law legacy that the Tribunals have left behind.

Finally, beyond welcoming the progress made by the Tribunals and the Mechanism, Mexico wishes to reiterate its full commitment to fighting impunity for the most serious international crimes of international concern and to international criminal justice in general.

Ms. Sapag Muñoz de la Peña (Chile) (*spoke in Spanish*): Once again, Chile welcomes the outstanding work that has been carried out by the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Residual Mechanism for Criminal Tribunals. Their firm commitment to concluding pending proceedings expeditiously and in accordance with the rules of due process has been clearly reflected in the briefings of their respective presidents, Judge Carmel Agius and Judge Theodor Meron, and in their annual reports (A/72/266 and A/72/261), all of which my delegation has followed with great interest and attention.

In this crucial year for the fulfilment of the Tribunal's completion strategy, Chile welcomes the solid progress made towards this end, with only two cases left for deliberation in November. We regret, however, that the repeated calls for greater international cooperation in situations where the Office of the Prosecutor had alleged State inaction for the failure to execute arrest warrants that had been issued by the Tribunal, have gone unheeded. Full cooperation with the Tribunal and its officials remains essential. We wish to express particular appreciation for the Legacy Dialogues, which represent an additional effort aimed at bringing the Tribunal's work closer to the region that inspired its establishment and to publicly embody the achievements in terms of due accountability, the end of impunity and the progressive development of norms that shape international law.

With regard to the Residual Mechanism and its two branches — in Arusha and The Hague — Chile welcomes the fulfilment of the many tasks aimed at effectively and efficiently resolving the outstanding issues arising from the completion strategy of the International Criminal Tribunals for Rwanda and the former Yugoslavia. In particular, we acknowledge and share the priorities that the Office of the Prosecutor has put in place to complete the proceedings that remain open, locate and arrest the eight fugitives sentenced by the International Criminal Tribunal for Rwanda, and assist national jurisdictions in prosecuting international crimes committed in the former Yugoslavia and Rwanda.

Preserving the legacy of the International Criminal Tribunals and the Mechanism is a current challenge of concern to the entire international community. Through this legacy, the architecture of international justice is strengthened, making it vital for other courts and tribunals, particularly the International Criminal Court, which considers the Rwanda and Yugoslavia Tribunals to be affiliated bodies that we are called to respect and promote in the fight against the most serious crimes and to bring about an end to impunity.

Finally, I would like to reiterate what a privilege it was for Chile to lead the Security Council Informal Working Group on International Tribunals during the biennium 2014-2015, which we took over from Guatemala and passed on to Uruguay, which now chairs the Working Group. It is with gratitude and the conviction that goes with recognizing the importance of this chapter in the history of international justice that my country congratulates everyone involved in this praiseworthy task.

Mr. Zagaynov (Russian Federation) (*spoke in Russian*): We thank the leadership of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Residual Mechanism for Criminal Tribunals for their reports on the activities of these bodies, submitted to the General Assembly on a yearly basis (A/72/266 and A/72/261).

We welcome the commitment expressed by the leadership of the ICTY to completing all trials at the Tribunal and closing it by the end of 2017. As we all know, this should have happened in 2010. However, this deadline — and others mentioned in resolution 2329 (2016) — were, unfortunately, missed.

Today's meeting ends our discussion of the Tribunal's reports in the General Assembly. We take note of the efforts made by the leadership of the Tribunal to prevent any postponements and to announce pending decisions in November, as scheduled. Despite the open contempt case commenced by the Tribunal in the context of the completed trial of Vojislav Šešelj, we believe this should not influence the course of the closure of the ICTY.

The report of the ICTY touches upon the issue of the legacy of the Tribunal. Once again, the results of the work of the Tribunal have yet to be impartially analysed, not only in terms of the convictions and acquittals it handed down, but also in terms of the genuine impact it has had on the processes of reconciliation and restoration of confidence among the peoples of the former Yugoslavia. Given the problems that have been accumulating within the Tribunal for years, we do not think that the assessment will be unequivocally positive. Our position on this issue has been voiced repeatedly, and we believe that serious flaws in the Tribunal's functioning over an extended period will continue to have a negative impact on the prospects for international criminal justice. We hope that the ICTY's activities during its final stretch will not give us new reasons to be critical of it.

During the reporting period, the appeal of the verdict in the case of *The Prosecutor v. Augustin Ngirabatware* was placed on the docket of the Residual Mechanism. We hope that information about the expected duration of this and other legal proceedings in the Residual Mechanism will be set forth more substantively in a future report.

We have also read the sections of the report devoted to the activities of the Residual Mechanism in terms of capacity-building for national judicial bodies that conduct criminal prosecution in war-crimes cases. We noted the truly global nature of efforts made by the Prosecutors in this area. Work is being done in countries that have nothing to do with the situations currently under review by the ICTY and the Residual Mechanism. We hope that such activity is not being paid for out of the United Nations budget. In any event, we doubt the appropriateness of the Residual Mechanism training prosecutors and advertising its own successes.

In this regard, I would again like to recall that, pursuant to resolution 1966 (2010), the Residual Mechanism is a temporary entity with a clearly delineated mandate; it is not a new international court. We therefore call for strict observance of this Security

Council resolution. We expect the Residual Mechanism not to be distracted by tasks outside its mandate. Rather, it should focus on closing the cases that will have been referred to it following the closure of the ICTY and on ensuring maximum efficiency in legal proceedings, including the length of trials.

Mr. García Reyes (Guatemala) (*spoke in Spanish*): We are grateful for the presentation of the twenty-fourth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (A/72/266), which we understand to be the last annual report of the Tribunal before its closure, which is scheduled for 31 December.

My delegation has noted how the Tribunal has continued to make significant progress in finalizing its completion strategy. We also note that the 161 persons accused of serious violations of international law have already been tried, leaving only two substantive cases. We welcome the fact that both cases have advanced at an appropriate pace to be able to issue the respective rulings before 30 November. We also commend the efforts of judges and staff aimed at fulfilling all of the Tribunal's responsibilities in a punctual manner.

We would like to add that Guatemala has welcomed the fact that in addition to carrying out judicial functions, the Tribunal's liquidation efforts have remained a priority, and, in fact, its pace has accelerated during the period covered by the report before us, which shows that the Tribunal is resolved to carry out the liquidation process smoothly and successfully. As part of those activities, we are pleased to note that the twenty-fourth annual report outlines the Tribunal's activities for the period from 1 August 2016 to 31 July 2017 and shows that each body of the Tribunal continued to take measures to complete its mandate by the end of this year, not only with regard to the conclusion of judicial proceedings, but also focusing on the need for an efficient liquidation process and a smooth transition to the International Residual Mechanism for Criminal Tribunals.

Guatemala wishes to thank the President of the Tribunal and its other officials for what is contained in the report and for the environment on the ground as they leave the field. Each of them took full advantage of every opportunity to strengthen the Tribunal's image inside and outside of the former Yugoslavia, through their Legacy Dialogues and in all the steps they are taking with regard to the legacy the Tribunal will leave behind.

We also wish to emphasize that the Tribunal's lessons are relevant in terms of what can be expected from other international criminal tribunals and courts. Accordingly, expectations must be managed from the outset so as not to forget the victims and communities affected. If possible, the judgments of the Tribunal should be integrated into the jurisprudence of the national courts of the former Yugoslavia, so that the national courts and tribunals of each State are involved in the efforts to strengthen local civil-society initiatives with respect to accountability and reconciliation.

The International Criminal Tribunal for the Former Yugoslavia has demonstrated that it is necessary and possible to prosecute high-impact cases, including cases of sexual and gender-based violence. The Tribunal must ensure that the citizens of the region have at their disposal — and in all local languages — a permanent record of the crimes committed during the conflict in the Balkans so that such atrocities do not recur. It is also necessary for the national authorities in each State of the former Yugoslavia, as well as members of civil society and the United Nations, not to forget — and we should not forget — reparations and the memory of the victims, with a view to providing justice, improving the penal systems and preventing crimes against humanity in future.

Finally, we call upon all interested and involved States to cooperate fully with the Tribunal and its officials, as well as to abide by and comply with the orders it issues, so that it can fully complete its functions as befits such an important Tribunal.

Mr. Trujillo (United States of America): As we look to the near horizon in December and see the coming closure of the International Criminal Tribunal for the Former Yugoslavia (ICTY), the United States again extends its sincere appreciation to President Meron, President Agius and Prosecutor Brammertz for their ongoing work to achieve justice for victims of the vicious atrocities committed in the former Yugoslavia.

It is especially important to be here today participating in this debate, as we continue to face conflicts where serious crimes have been committed. We must continue to find ways to uphold accountability for perpetrators of atrocities and justice for the victims. As we look to the closure of the ICTY in December, we remain as committed as ever to the Tribunal, the

independence of its work and the successful transfer of functions to the International Residual Mechanism for Criminal Tribunals.

The United States wishes to underscore that while the ICTY is successfully concluding its mandate, there remains much to do in pursuit of justice and reconciliation. We must now turn our focus from fulfilling national-level obligations to resolving outstanding war-crimes cases. We remain willing to support such efforts. We applaud the ICTY for adhering to its completion schedule. It is on track to deliver judgments in its two remaining substantive cases by the end of November.

With respect to the upcoming appeal of the judgment in the case of *Prosecutor v. Jadranko Prlić et al.*, which involved six former high-ranking officials from Herceg-Bosna, we support the independence of the Tribunal in reaching its decision. With respect to the cases against Ratko Mladić, who is charged with 11 counts of genocide, crimes against humanity, and violations of the laws and customs of war, we see it as a fitting bookend to the work of the Tribunal and yet another example for the world to see that eventually those alleged to be responsible for atrocities will ultimately face justice. Both of these cases, like all others, involve questions of individual criminality, and should not be seen as trials of any one country.

The United States also commends the work, under the leadership of the President of the ICTY, to hold legacy and closing events that can help ensure a long-lasting impact, particularly in ongoing efforts aimed at achieving justice and reconciliation.

The United States remains concerned about the divisive nature of statements made by some individuals in the region that have a negative impact on cooperation in the pursuit of justice for war crimes committed in the former Yugoslavia. That is particularly true when individuals deny or seek to revise the true record of crimes established by the ICTY. We should strive to depoliticize the historical record, which can help prevent a repetition of such widespread atrocities and create the space for technical experts to meet, share information and work together in various forums to resolve remaining cases.

The United States also remains concerned about the Government of Serbia's failure to execute the arrest warrants for the two surviving individuals charged with contempt of court in relation to witness intimidation in the case of *Prosecutor v. Vojislav Šešelj*. We continue to encourage Serbia to fulfil its obligations.

The International Residual Mechanism for Criminal Tribunals has also made notable progress since we last convened here on this item (see A/71/PV.44). From an administrative perspective, staff has moved into new premises in Arusha, Tanzania. Substantively, there has been continued focus on the expeditious completion of trials and appeals.

The United States applauds the Mechanism's efforts to assist national jurisdictions by, inter alia, processing requests to question detained persons and protected witnesses. We understand that during the reporting period the Office of the Prosecutor also answered 11 requests from Member States and one international organization with regard to Rwanda, and 239 requests for assistance from eight Member States and three international organizations with regard to the former Yugoslavia. In addition, it conducted capacity-building activities with national authorities from Africa, Europe and Latin America. We are impressed with the range of assistance being provided while the Mechanism remains, under the Security Council's direction, a small and efficient structure.

The Office of the Prosecutor is continuing its efforts to locate and arrest the eight remaining fugitives, three of whom will be tried by the Mechanism — Félicien Kabuga, Protais Mpiranya and Augustin Bizimana; and five of whom will be transferred to Rwanda — Fulgence Kayishema, Charles Sikubwabo, Aloys Ndimbati, Phénéas Munyarugarama and Charles Ryandikayo. To that end, we appreciate the Prosecutor's review of tracking efforts and the development of updated and concrete strategies for apprehending the remaining fugitives. This includes the development of two task forces — one focused on Africa and the other on Europe — thereby bringing together key national law-enforcement authorities, as well as INTERPOL. We commend the Prosecutor for undertaking the much-needed restructuring of the tracking team to ensure that it has the capacity to conduct the range of investigative activities needed to succeed in its mission.

The United States remains equally committed to those efforts. We continue to offer a reward of up to $5 million per fugitive for information leading to the arrest or transfer of those eight men and stand ready to engage with the new task forces. We likewise call on

all States, especially those in the Great Lakes region, to cooperate with efforts to apprehend these fugitives.

Finally, I want highlight once again two of my earlier points. First, while the ICTY is successfully concluding its mandate, reconciliation and the pursuit of justice remain priorities. We are now focusing our attention on national-level obligations to resolve remaining war-crimes cases. Secondly, the work of both the Mechanism and the ICTY reminds us that, in the face of horrific atrocities, we can work together to hold perpetrators accountable and achieve a measure of justice for their victims.

The President: May I take it that it is the wish of the Assembly to take note of the twenty-fourth and final annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991?

It was so decided.

The President: May I also take it that it is the wish of the Assembly to take note of the fifth annual report of the International Residual Mechanism for Criminal Tribunals?

It was so decided.

The President: I call on the representative of Turkey, who wishes to speak in explanation of position.

Mr. Begeç (Turkey): I have asked to take the floor in order to register my country's position with regard to the fifth annual report of the International Residual Mechanism for Criminal Tribunals (A/72/261).

Certain contents of the report refer explicitly or implicitly to my country and Turkish nationals, including in its paragraphs 16 and 26. The official position of Turkey with regard to the matter of diplomatic immunity has been shared with the appropriate counterparts of the Office of Legal Affairs of the Secretariat, as well as with the Secretary-General, through a note verbale dated 11 November 2016 and a letter dated 6 February 2017, respectively. These communications expressed, inter alia, our disagreement with the competent United Nations authorities on the scope of the immunity enjoyed by the Turkish Judge of the Mechanism.

We have also communicated our views with regard to certain acts of the Mechanism and the abuse of authority thereof, through a letter to the President of the Security Council dated 10 March. This letter has subsequently been distributed to the wider membership as document S/2017/210.

In the light of the foregoing and in accordance with decision 55/488, I would like to state for the record Turkey's non-concurrence with and resultant disapproval of the aforementioned sections of the report and to register the lack of consensus on them in the General Assembly.

Some Member States have also expressed views on this subject. Notwithstanding the literal content of those views, allow me to say that any attempt or intent to interfere with the independent judiciary of a Member State is neither permissible nor welcome, in particular in this Hall.

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda items 75 and 129?

It was so decided.

The meeting rose at 4.55 p.m.

United Nations A/72/PV.33

General Assembly
Seventy-second session

Official Records

33rd plenary meeting
Friday, 20 October 2017, 10 a.m.
New York

President: Mr. Lajčák ..... (Slovakia)

The meeting was called to order at 10.05 a.m.

Agenda items 66 and 13

New Partnership for Africa's Development: progress in implementation and international support

(a) New Partnership for Africa's Development: progress in implementation and international support

Report of the Secretary-General (A/72/223)

(b) Causes of conflict and the promotion of durable peace and sustainable development in Africa

Report of the Secretary-General (A/72/269)

2001-2010: Decade to Roll Back Malaria in Developing Countries, Particularly in Africa

The President: It is an honour to address this joint debate, which will be the final event of this year's Africa Week and will address many issues that are crucial to Africa's development. To begin, I will make three brief points.

First, I want to acknowledge the importance of the New Partnership for Africa's Development (NEPAD). NEPAD was something of a trailblazer. It predates, by more than a decade, the 2030 Agenda for Sustainable Development and the African Union's Agenda 2063: The Africa We Want. Nevertheless, many of its core priorities are also found in those later frameworks, including infrastructure development, human development, food security, education and training, and health.

Since its adoption in 2001, NEPAD has led transformative change. For example, the Comprehensive Africa Agriculture Development Programme has improved agricultural productivity on the continent. It has also changed people's lives in many African countries. Additionally, NEPAD has generated big strides towards the integration of African trade. The finalization this summer of the Tripartite Free Trade Area Agreement was an important step that will harmonize three subregional blocs that previously had their own rules and models for trade. A continental free trade area is no longer a distant dream; it could very soon be a reality.

Major hurdles still need to be overcome. Faster progress needs to be made, not only in the sectors of agriculture and trade, but also in a wide range of key areas including infrastructure, industry, economic diversification and poverty eradication. NEPAD, together with the 2030 Agenda and Agenda 2063, sets out a very clear plan for how such progress can be achieved. We must ensure that those frameworks are harmonized and integrated, particularly with regard to reporting, follow-up and review.

Secondly, I want to repeat a message that I have heard many times this week, which is that no development in Africa can take hold unless it is led from within. When NEPAD was adopted in 2001, it acted as a strong sign of regional leadership in development. That was reaffirmed through the adoption of Agenda 2063. The roles played by the African Union, regional economic communities and subregional organizations have been indispensable. They have acted as the

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engines of progress in sustainable development, as well as in building African capacities in the areas of peace and security.

We have also seen many exciting developments at the national level. There are ongoing efforts to integrate the goals and targets of international and regional frameworks into national development plans. African countries are also building their capacities for domestic resource mobilization and tackling illicit financial flows. However, in an increasingly globalized world, no single country or region can go it alone.

The efforts taking place within Africa need to be supported by a revitalized partnership for development. We need closer partnerships between Africa and its development partners, including the United Nations bodies and Member States. Official development assistance and other commitments are crucial in order to enhance finance, technology transfer and market access. Moreover, investment must be incentivized at the national, regional and international levels.

Thirdly, as we have heard this week, development in Africa should not be seen as a stand-alone activity. No support that we give to the New Partnership for Africa's Development will bring about lasting change if we do not also address the root causes of conflict. Similarly, we cannot look at how to prevent societies turning to violence without addressing many of the core priorities of NEPAD. That is why today's joint debate is very important. It deal with issues that are different but closely linked. That reflects reality for many people. Yes, sustainable and inclusive development will improve entire societies, but the signing of a trade agreement will mean little to a mother whose young child is very sick from malaria. Similarly, foreign direct investment is not on the mind of someone who is running away from a hail of bullets.

Africa has a very clear vision. It is one that involves all layers of society, while benefiting from growth and development; one in which malaria and other diseases do not serve as death sentences for hundreds of thousands of people every year; one in which early warning signs of conflict lead more often to successful mediation than to violence; and one in which institutions are strong, both women and young people lead and participate, and good governance is the norm. That vision is becoming closer to reality. This week and today's debate will allow us to take another step in the right direction.

Mr. Charwath (Austria): I have the honour to speak on behalf of the Friends of Inclusive and Sustainable Industrial Development — a group of 37 countries that believes that inclusive and sustainable industrial development plays a crucial role in achieving the Sustainable Development Goals (SDGs) that we have set for ourselves in the 2030 Agenda for Sustainable Development. We thank the Secretary-General for the fifteenth consolidated progress report on the implementation of and international support for the New Partnership for Africa's Development (NEPAD). The report outlines that,

> "an immediate priority for African countries is to intensify efforts to accelerate economic growth through industrialization and structural transformation, which are key to achieving sustainable development". (*A/72/223, pp. 1-2*)

The role played by industrialization as one of the key enablers and catalysts for sustainable development has been well established. Target 2 of SDG 9 aims at promoting inclusive and sustainable industrialization and at raising industry's share in employment and gross domestic product. In that regard, achieving structural transformation through more accelerated and coordinated industrialization efforts should remain a key development priority for Africa. We therefore welcome efforts by the NEPAD Agency, together with the South Africa Council for Scientific and Industrial Research, to work towards achieving a road map for countries outlining ways to achieve the short-, medium- and long-term industrialization targets for the continent, as set out in the Action Plan for the Accelerated Industrial Development of Africa. We also welcome the initiatives of the Group of 20 to support the industrialization efforts of African States through investment promotion and the building of capacity in science, technology and innovation programmes in line with the African Union's 2063 Agenda.

The international community, including the United Nations system, must play a critical role in assisting countries on the road to industrialization. The General Assembly's adoption of the Third Industrial Development Decade for Africa for the period 2016-2025 (resolution 70/293) adds to that commitment and assigns the United Nations Industrial Development Organization (UNIDO) a leading role in promoting inclusive and sustainable industrial development in close collaboration with the African Union, the United Nations Economic Commission for Africa, the African

Development Bank and the Office of the Special Adviser on Africa.

UNIDO assists developing countries in designing and implementing industrial policies and enhancing local productive capacities and entrepreneurship. Its technical assistance contributes to job creation, advancing economic competitiveness and enabling market access. UNIDO also plays a significant role in advancing the diffusion of environmentally sound technologies and practices in production systems and in collaborating with the private and public sector so as to mobilize investments in an inclusive, sustainable and resilient manner.

We commend UNIDO for the important role that it plays in furthering inclusive and sustainable industrialization, and we trust that it will play an important role in the industrial development of Africa in line with continental, regional and national priorities.

Mr. Moustafa (Egypt): I have the honour to address the General Assembly on behalf of the Group of African States in this important debate on issues of great importance to Africa's peace, security and development. I would like in that connection to thank President Lajčák for his opening remarks.

At the outset, I wish to express the deep appreciation of the African Group to all Member States for their commitment to keeping the special needs of Africa among the top priorities of the Organization, and for showing solidarity with African countries in their efforts to achieve inclusive growth, sustainable development and promoting peace and stability across the continent. I also wish to take this opportunity to recognize the efforts of Secretary-General António Guterres and the entire United Nations system for their commitment to enhancing coherent United Nations system support for Africa, as well as for supporting the transformative African Union Agenda 2063.

The peace and development nexus is evident today in the two reports of the Secretary-General, which constitute the basis of our debate — namely, the report entitled "New Partnership for Africa's Development: fifteenth consolidated progress report on implementation and international support" (A/72/223) and that entitled "Causes of conflict and the promotion of durable peace and sustainable development in Africa" (A/72/269). Clearly, as the world pursues a new milestone in the global partnership for development, as represented by the ongoing process of implementing the 2030 Sustainable Development Agenda, it is imperative to continue to place Africa at the centre of United Nations efforts to eradicate poverty, address the impact of climate change and ensure inclusive economic growth and sustainable development.

Indeed, eradicating poverty remains the greatest development challenge for African countries, in which half of the world's poor live. The African Group is concerned about the fact that two years after we began implementing the 2030 Agenda, global hunger is once again on the rise and affects 815 million people. That is an increase from 777 million in 2015, according to recent reports on the state of food security and nutrition. It is therefore imperative that we ensure that the special development needs of Africa, particularly poverty eradication, are accorded due attention by the United Nations development system.

In that regard, our efforts should focus on the necessary means of implementation, including financial resources, technology transfer and capacity-building. The scale must be ambitious enough to meet the aspirations of the Sustainable Development Goals (SDGs). Developed countries should fulfil the commitments that they made in the Addis Ababa Action Agenda, including official development assistance commitments, as aid remains an important source of development financing for developing countries, particularly in Africa.

The African Group expects that a renewed commitment to the Global Partnership for Sustainable Developmnet will enable a speedy implementation of the 2030 Agenda. While we stress the importance of international support, I would nonetheless like to emphasize that African ownership of the development process is not just a mere concept. African countries have indeed taken primary responsibility for their own development. The experience of implementing the Millennium Development Goals has shown that significan advances were made by African countries, particularly in improving primary-school enrolment, advancing gender equality and halting the spread of HIV/AIDS.

Those advances were mainly the result of sound macroeconomic policies and the remarkable economic growth that Africa has achieved over the past two decades. Nevertheless, systemic issues have affected Africa's rates of economic growth, and international support was not sufficient to bring about a significant

reduction in unemployment and poverty levels, nor in effecting similar positive advances in other goals.

As we appreciate the steady progress in implementing the New Partnership for Africa's Development (NEPAD), and the strong support of the United Nations, particularly in enhancing the Office of the Special Adviser on Africa, we have to be mindful that mobilizing support for Africa is now more urgent than ever. That is particularly the case as Africa implements Agenda 2063: The Africa We Want, which represents the continent's ambitious and transformative 50-year vision. That people-centred agenda is underpinned by seven core aspirations, including inclusive growth and sustainable development, regional integration, peace and good governance. Achieving those aspirations ultimately hinges on development cooperation and our overall commitment to promoting a strengthened partnership.

The challenges facing Africa today encompass the issues of peace, security and development. There can be no lasting security without inclusive development. Similarly, peace, security and the rule of law — underpinned by credible systems of democratic governance — are prerequisite and indispensable factors for and drivers of development. It is imperative, in that regard, to encourage all partners, including the United Nations system, to support the efforts of African countries in achieving the African Union's Silencing the Guns by 2020 initiative, as envisioned by African leaders in the African Union's Fiftieth Anniversary Solemn Declaration.

African countries have taken numerous steps to address peace and security challenges at the national and regional levels, including — in dealing with terrorism and instability — the establishment of the Joint Force of the Group of Five for the Sahel, the Multinational Joint Task Force and the deployment of the African Union Mission in Somalia. Despite limited capacity and resources, those commendable efforts serve as proof of Africa's determination to find solutions to its own security challenges. Furthermore, African countries have demonstrated a growing commitment to the rule of law and good governance. The African Peer Review Mechanism (APRM) has become a unique and innovative framework for promoting good governance, durable peace and sustainable development across the continent. The African Union is working hard to encourage all African Member States to join the APRM.

In order to complement and strengthen African efforts to address challenges to the continent's peace and security, it is critical that Africa's partners strengthen their support for African peace and security activities and help build the continent's capacity to prevent and resolve conflict through increased assistance. No country or organization can solve those challenges alone. Moreover, the African Group underscores the importance of the long-standing and exemplary partnership between the United Nations and Africa, notably in efforts to support the establishment and operationalization of the African Peace and Security Architecture. That includes cooperation between the Peace and Security Council of the African Union and the United Nations Security Council, as well as the African Standby Force and continued support for the APRM.

The African Group commends the renewed commitment on the part of the United Nations and the African Union to strengthening their cooperation and promoting a strategic partnership, as demonstrated by the signing in April of the Joint United Nations-African Union Framework for an Enhanced Partnership in Peace and Security. In that regard, the African Group wishes to acknowledge Secretary-General António Guterres' emphasis on prevention as an important cornerstone that reinforces the nexus between the key pillars of the work of the United Nations, namely, peace and security, development and human rights. Indeed, promoting sustainable development and ensuring a life of dignity for all represent the most effective strategy for conflict prevention.

With regard to the acceleration of efforts to control and eliminate malaria by 2030 in developing countries — particularly African countries — the African Group welcomes the continued commitment on the part of the international community to the eradication of malaria and other diseases, as stipulated clearly under Sustainable Development Goal 3 of the 2030 Agenda. In that regard, we underscore the need to undertake preventive measures, including strengthening the capacities of African countries' health and disease surveillance systems. We concur with the recommendations of the Secretary-General that a concerted and coordinated global effort will be needed in order to substantially reduce malaria transmission, morbidity and mortality by 2030.

Finally, I wish to conclude by emphasizing that the African Group stands ready to work with the United

Nations system and other development partners to mobilize support for the integrated implementation of Agenda 2063: The Africa We Want and the 2030 Agenda for Sustainable Development, in order to ensure a mutually reinforcing implementation of both agendas.

Mr. Ismail (Brunei Darussalam): I have the honour of speaking on agenda item 66 on behalf of the 10 States members of the Association of Southeast Asian Nations (ASEAN), namely, Cambodia, Indonesia, the Lao People's Democratic Republic, Malaysia, Myanmar, the Philippines, Singapore, Thailand, Viet Nam and my own country, Brunei Darussalam.

We too would like to thank the Secretary-General for his latest report (A/72/223) on the New Partnership for Africa's Development (NEPAD), which provides valuable and practical insights on the way forward. We acknowledge the progress made in achieving the priorities set by NEPAD. That is particularly noteworthy against the backdrop of the current unfavourable global economic conditions, as well as persistent challenges in the areas of agricultural productivity and food security, economic diversification and market access, and the lack of financing and capacity, among other things.

As sustainable development and sustaining peace are mutually reinforcing, it is important to safeguard advances in socioeconomic development through the promotion of sustainable peace. In that regard, it is encouraging to see many African countries continue to intensify their efforts and seize opportunities to accelerate progress towards durable peace, security and development in the region.

ASEAN reaffirms its solidarity with Africa, especially with respect to realizing our shared aspirations for growth, prosperity and sustainable development. As such, ASEAN fully supports the implementation of NEPAD, which will provide a strong foundation for Africa's Agenda 2063. We welcome the efforts by the African Union and the United Nations system under the Regional Coordination Mechanism for Africa to align the Agenda 2063 and the Agenda for Sustainable Development. We are pleased to note that their meeting in Senegal last March focused on investing in youth, who represent a key driving force for inclusive and sustainable development in Africa, where the world's youngest population is concentrated.

In ASEAN, we are also exploring ways and means of promoting synergies and complementarities between the ASEAN Community Vision 2025 and the 2030 Agenda. Recently, on the margins of the high-level general debate, ASEAN, together with the United Nations Development Programme, launched the ASEAN My World survey. That project aims to capture the people's perspective on progress in achieving the Sustainable Development Goals and to mobilize and build dialogue between decision-makers and people, with a view to shaping recommendations and policies on how to implement the 2030 Agenda. We therefore believe that there is ample scope for greater collaboration between ASEAN and Africa to address mutual concerns and achieve sustainable development.

ASEAN and African countries have an enduring friendship that is guided by the spirit of solidarity for peace and prosperity. That friendship dates back to the 1955 Bandung Conference. Two years ago, we met again in Indonesia to commemorate the sixtieth anniversary of that historic occasion and revitalize our political, economic and sociocultural cooperation.

Enhancing people-to-people linkages is a key aspect of that partnership, which brings professionals, business people, students and travellers from both regions closer together. ASEAN, both as a whole and as individual member States, stands ready to exchange ideas and share experiences with our African partners in various fields, such as agriculture, education, information and communications-technology innovation, trade and infrastructure development.

A supportive international environment is vital for catalysing further development in Africa. In that regard, development partners, international financial institutions, regional and subregional organizations and the international community, especially the United Nations, must redouble their efforts to ensure that African countries achieve sustainable peace and development.

In conclusion, ASEAN is committed to supporting the endeavours of our African friends and the international community to bring about meaningful progress in the implementation of Agenda 2063 for the benefit of Africa.

Mr. Prasad (India): We are meeting at a time when all of us have embarked on the journey towards achieving the 2030 Agenda for Sustainable Development, which was adopted two years ago. Our African partners have also commenced the first phase of the implementation of the more long-term African Agenda 2063. Agenda 2063 is mutually reinforced by the 2030 Agenda and

builds on the core priorities of the New Partnership for Africa's Development (NEPAD), which came into existence 16 years ago.

International cooperation remains a critical element in Africa's efforts to achieve the greater peace and prosperity envisaged in the two Agendas. NEPAD is an important part of those collaborative efforts. Africa has made rapid strides in recent years. Compared with even a decade ago, the continent is more peaceful. Its governance institutions are stronger. Its overall economic output has grown. Poverty rates have fallen. Infrastructure and connectivity are improving, and the economies are more diversified. In several countries, the service sectors, including banking, telecommunications and retail, have been growing, in spite of the fact that low commodity prices have adversely impacted many economies.

Life expectancy has increased. Rates of infant and maternal mortality have fallen. Primary-school enrolment, especially for girls, has increased. Malnutrition has been reduced, and access to safe drinking water has increased. HIV infection and prevalence rates have been reversed, as noted by the Secretary-General in his remarks earlier this week at the opening of Africa Week 2017.

Today, Africa is a young continent with a demographic dividend that can be of great advantage if young people are provided with education and the skills needed for economic opportunities. International cooperation can help overcome constraints posed by poor connectivity and infrastructure, low agriculture productivity, the lack of diversification in certain economies and limited regional integration.

We commend the organization of the ongoing Africa Week. It helps focus attention on the opportunities and challenges faced by Africa. It would also help to engage United Nations entities in effective partnerships for the implementation of the 2030 Agenda and Agenda 2063.

Long-standing trade and diaspora links across the Indian Ocean, a shared colonial past and our common development challenges have framed India's relationship with Africa. Today, Africa and India represent young and dynamic societies and economies that are intensifying their collaboration so as to achieve greater prosperity for their peoples in an increasingly globalized world. The core strengths of our development partnership have been capacity-building, mobilizing financial support and the sharing of technical expertise. That complements our rapidly growing trade and investment links.

Trade between Africa and India has increased by a factor of 20 in the past 15 years and doubled in the past five years, reaching nearly $72 billion in 2016 and making India Africa's fourth-largest trading partner. Indian investment in Africa has also surged, with major investments in the telecommunications, information technology, energy, engineering, chemicals, pharmaceuticals and automobile sectors.

Indian leaders continue to attach a very high priority to our partnership with Africa. Earlier in October, Africa was the destination for the first overseas visit by the new President of India, His Excellency Mr. Ram Nath Kovind. During the past three years, the top leadership of India, including the President, Vice-President and Prime Minister, have visited 18 African countries. Indian ministers have visited all 54 partner countries during that period. In a significant development, the African Development Bank held its board meeting in India this year. During the meeting, Prime Minister Modi announced the launch of India's latest initiative in Africa, the Asia-Africa Growth Corridor, established in partnership with Japan.

We have also had 11 incoming visits by African Heads of State and Government, in addition to the landmark Third India-Africa Forum Summit, held two years ago in Delhi, where 41 African Heads of State and Government participated. During the Summit, the Government of India announced significant offers of development partnership, including $10 billion in concessional credits, as well as grant assistance of $600 million and 50,000 scholarships over the next five years.

India has also engaged with the Group of 20 and the Brazil, Russia, India and China group on issues regarding the development priorities of Africa. Besides the wide-ranging development and humanitarian assistance efforts, India also partners with Africa in promoting peace and security through its long-standing contribution to peacekeeping and peacebuilding efforts. Recent initiatives have also included trilateral cooperation, along with the United States of America, to provide United Nations peacekeeping training for African partners.

I would like to conclude by reiterating what Prime Minister Modi said during the Africa Development Bank Board meeting in India this year, which is that

India's partnership with Africa is based on a model of cooperation. It is responsive to the needs of African countries, demand-driven and free of conditions.

The long-standing India-Africa partnership is based on solidarity and mutual respect and is neither prescriptive nor exploitative. It represents South-South cooperation in all its dimensions, one that continues to contribute to the implementation of 2030 Agenda for Sustainable Development and the African Union's Agenda 2063: The Africa We Want.

Mr. Almunayer (Kuwait) (*spoke in Arabic*): My delegation has the honour to participate in this debate on the New Partnership for Africa's Development (NEPAD). We have considered with great interest the content of the Secretary-General's report (A/72/223) of 28 July, entitled "New Partnership for Africa's Development: fifteenth consolidated progress report on implementation and international support". The report focuses on political measures taken by African countries and organizations to implement NEPAD, as well as the commitments announced to assist African States, the progress they have made and the challenges they face. It also focuses on progress made to implement the NEPAD Agenda, including the need to sustain and forge partnerships aimed at addressing issues of States' national security.

Two years ago, Africa saw the launch of two historic agendas, one global and the other continental. The first is the 2030 Agenda for Sustainable Development and the second is the 2063 Agenda of the African Union. Both provide long-term development visions. We hope that the objectives of those visions will be implemented to advance Africa. The first 10-year implementation plan was adopted in June 2015 to implement the 2063 Agenda of the African Union, and there will be other strategies in the next 50 years.

The harmony and interdependence of those two Agendas provide a common path for implementing the objectives that Africa aspires to reach. That is reflected in the Secretary-General's report, as are the challenges facing Africa, notably insufficient financial support, the spread of weapons and transnational organized crime, as well as trafficking in natural resources.

We are very concerned about the unfavourable economic circumstances that stand in the way of implementing the 2030 Agenda and the NEPAD Agenda. They tend to undermine the progress made in the implementation of the Sustainable Development Goals, despite the gains made so far. I would like to emphasize the need to implement the recommendations contained in the Secretary-General's report, in particular those on good governance, the rule of law and the empowerment and protection of the rights of African women in order to enhance peacebuilding efforts and implement the objective of an Africa free from conflicts.

Kuwait prides itself on its historical relations with Africa, and we are an observer member of the African Union. In 2013, we hosted the third Africa Arab Summit, under the theme "Partners in Development and Investment". At the Summit, Amir Sabah Al-Ahmad al-Sabah announced the provision of concessionary loans to non-Arab African countries through the Kuwait Development Fund. During the Summit, Kuwait also announced the investment of $1 billion through the General Investment Authority in collaboration with the World Bank and its institutions, as well as the China-Africa Development Fund, to invest in the infrastructure of Africa.

The loans provided by the Kuwait Development Fund have reached $20 billion so far. Loans have been granted to 106 countries worldwide; African countries alone have received 18 per cent of that amount. It is also important to mention the initiative of the Amir of Kuwait, Sheikh Sabah Al-Ahmad al-Sabah, which provides an annual award of $1 million in the name of Mr. Abdul Rahman Al-Sumait, the late Kuwaiti doctor who was active in humanitarian affairs and activities in Africa. The annual award is given for development research in Africa and under the supervision of the Kuwait Foundation for the Advancement of Sciences. Kuwait will also host a conference for supporting education in Somalia in the near future, as we believe in the need to promote education towards a future that meets the aspirations of the Somali people and in a manner that keeps abreast of modern developments.

I would like to emphasize that, given our historical bonds and common destiny, the international community, international organizations and non-governmental organizations in the private sector must act vigorously to support the needs of Africa and assist them in implementing their aspirations to achieve development and economic prosperity.

Mrs. Rugwabiza (Rwanda): At the outset, Rwanda thanks you, Mr. President, for convening this important joint debate. We also thank the Secretary-General for

the reports submitted under agenda item 13 (A/72/223 and A/72/269) to inform today's meeting.

With the adoption of the 2030 Agenda for Sustainable Development and the African Union's Agenda 2063: The Africa We Want, the world and the African continent set forth ambitious strategic frameworks for a socioeconomic transformation. The Addis Ababa Action Agenda establishes a strong foundation to support the implementation of both Agendas by aligning all financing flows and policies with economic and social priorities.

The Kigali Amendment to the Paris Agreement on Climate Change reinforces the Agendas by setting environmental targets and time frames. My delegation recognizes the NEPAD Planning and Coordinating Agency's efforts aimed at strengthening capacities at the continental, national and regional levels, as we assert that efficient, robust and coordinated efforts are imperative for the successful implementation of the two Agendas.

Throughout the continent, notable socioeconomic progress has been achieved since 2015. In that regard, we congratulate the African Union and the NEPAD Agency on the finalization of the Tripartite Free Trade Area Agreement in July. That marked the beginning of the operationalization of the Agreement, namely, the implementation of flagship projects of the programme for infrastructure development in Africa.

The agricultural sector is an important one for Africa's sustainable development. Achieving impactful agricultural transformation will necessitate strong coordination between partners in country-led processes. Renewed partnerships built on mutual accountability will help Governments, the private sector, civil society, farmers and farmers' cooperatives, as well as development partners, to deliver on the results needed to reach the targets set by the Malabo Declaration on Accelerated Agricultural Growth and Transformation for Shared Prosperity and Improved Livelihoods. In that regard, we note the efforts of the African Union to strengthen mutual accountability through the Comprehensive Africa Agriculture Development Programme partnership platform.

Despite notable advancements, the African continent continuously faces systemic challenges. Investing in people-centred development on the continent will require cross-sectoral inclusive policies to provide youth and women equal opportunities to take part in the prosperity of The Africa We Want Agenda. We note the continental education strategy for Africa and the gender-equality strategy, which are the blueprints for mainstreaming and scaling up education and the promotion of gender and women's empowerment. Furthermore, the African Peer Review Mechanism demonstrates the valuable African efforts that have been made to prevent conflict by addressing the root causes and drivers of conflict. Through initiatives such as Silence the Guns by 2020, the African continent has underscored the nexus between security and development and the importance of conflict prevention and response to early-warning signals with rapid intervention to protect civilians.

The Joint United Nations-African Union Framework for an Enhanced Partnership in Peace and Security is an important blueprint for boosting the coordination between the two organizations at all levels. The implementation of the United Nations and the African Union's development agendas through the pillars provided by the NEPAD Agency will be realized only if the global commitment of leaving no one behind is upheld through mutually reinforcing partnerships. A revitalized global partnership for development is therefore an indispensable ingredient for success. In that regard, we congratulate both the United Nations and the African Union for the reforms that each is undertaking to recalibrate and become fit for purpose so as to be able to competently support the collective efforts of African Member States to achieve the complementary agendas of the 2030 Agenda and Agenda 2063.

Lastly, on the progress on implementing the programme of the 2001-2010: Decade to Roll Back Malaria in Developing Countries, Particularly in Africa, Rwanda is committed to working alongside other African Member States to eradicate malaria by shifting the paradigm from malaria control and prevention activities to a scaled-up targeted identification and response, where enhanced malaria surveillance and responses will prevent infection and shrink the malaria map across the continent.

Mr. Annakou (Libya) (*spoke in Arabic*): I thank you, Mr. President, for having organized this important meeting. At the outset, I would like to thank the Secretary-General for the two reports on development in Africa (A/72/223 and A/72/269). I would also like to thank Mr. Mayaki, Chief Executive Officer of the New Partnership for Africa's Development (NEPAD), for his efforts to support the African continent.

My country's delegation aligns itself with the statement made by the representative of Egypt on behalf of the Group of African States.

This plenary meeting on NEPAD is being held two years after the adoption by world leaders of the 2030 Agenda for Sustainable Development, which is based on the idea of leaving no one behind. This meeting is also taking place following the adoption by African leaders of Agenda 2063, which provides a 50-year plan for peace, security and development in Africa, and following the adoption of the African Union's first 10-year plan. Agenda 2063 is centred around people, who are both the instruments and the goals of development. In order to move from planning to comprehensive and integrated implementation, NEPAD and African regional economic commissions must play a central role in aligning the Sustainable Development Goals (SDGs) and the African Union's 10-year action plan in order to implement those goals and targets at the national and regional levels, while taking into account the national, cultural and religious specificities of the people of the continent. In that regard, we stress the importance of coordinated integration in Africa. That requires integration first at the national level and then at the regional level, and the regions must also work together to ensure integration throughout the continent.

Despite all the efforts deployed throughout the continent and the progress made in certain areas with the support of development partners, the African continent faces many challenges in implementing the 2030 Agenda for Sustainable Development, including poverty, violence, conflicts, climate change, capital outflows, migration and many others. The continent also suffers from high unemployment levels; poor education levels, both quantitatively and qualitatively; and a lack of basic services, such as electricity, water and sanitation.

As we face those challenges, developed countries must honour the commitments they made at the main United Nations conferences on Africa. They must also support African countries in strengthening economic stability and help them to attract investment. That will contribute to capacity-building in Africa without exhausting the continent's natural resources. That will lead to true human-resource development in Africa and must also involve the private sector, so as to facilitate technology transfers, especially in food security and infrastructure, and empower youth and women so that they can gain the necessary competencies to fully carry out the SDGs.

With regard to peace and security in Africa, many countries on our continent, including my country, Libya, continue, regrettably, to suffer from a deteriorating security situation and armed conflicts. In that regard, we stress the intrinsic link between security and development. There can be no development without security and no security without development. That is why we must urgently support the countries facing challenges or recently emerging from conflict, so as to improve stability and security and prevent conflicts, maintain peace and improve conditions after conflicts have ended. Indeed, the African continent cannot move forward economically or developmentally without enjoying peace, security and stability and without a strengthened rule of law, good governance and respect for human rights.

My country, Libya, like many other countries, is a transit country for migrants and is suffering from instability owing to significant flows of illegal migration, as well as transnational crime, human trafficking and other issues, which are all the result of challenges relating to border control. In that connection, I affirm that migration is an international multidimensional problem and not merely a national or regional one. We must not place the responsibility for solving it on countries of transit. We must address the root causes of the problem, not its symptoms, in order to bring about development in countries of origin, with the support of destination countries, through technology transfers and by strengthening capacity-building, creating decent working conditions, supporting small and medium-sized enterprises and working to combat the organizations and groups involved in trafficking in migrants in countries of origin and destination.

The 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda focus on the need to mobilize financial resources to achieve the SDGs. In that connection, we must note that many developing countries, especially in Africa, including Libya, are losing part of their wealth owing to illicit financial outflows, both on the continent and beyond. The countries to which those funds have been sent must therefore work to detect where those funds are situated and return them to their countries of origin, so that the latter will be able to benefit from them and finance their development plans and their infrastructure.

In order to combat the problem, we must take the following measures.

First, States Members of the United Nations, especially African countries, should not serve as financial havens for those funds. We must put an end to the illicit financial flows and stop encouraging corruption. The question is, if developed countries did not provide corrupt organizations with secure financial havens, would that corruption be able to persist and develop exponentially to its current level, which is valued in trillions of dollars, according to estimates of the United Nations and the international financial organizations?

Secondly, those same countries that have received such illicit funds must work to resolve the problem by identifying where those monies are and encouraging bilateral cooperation with the countries of origin of those funds so that they can be recovered. Only 3 per cent of the funds that have been covertly smuggled out have been returned to the countries of origin, and that despite the protocols and conventions aimed at combating corruption.

Thirdly, we must establish a global mechanism to combat financial smuggling and to facilitate the return of such funds to the countries of origin. The United Nations system, including its entities and institutions, must collaborate with the World Bank and the International Monetary Fund to accelerate the implementation of such a mechanism, which must be adopted and respected by countries in developing and developed countries, as well as by financial organizations.

In conclusion, let us translate our words into actions. We must have the genuine political will to take the practical measures needed to combat the ongoing haemorrhaging of the funds of developing countries in Africa and throughout the world. I hope we are not obliged to meet again next year to discuss this agenda item and repeat the same words and declarations without having made any tangible progress on that very important and urgent issue.

Mr. Plasai (Thailand): The Kingdom of Thailand aligns itself with the statements delivered by the Permanent Representative of Brunei Darussalam on behalf of the Association of Southeast Asian Nations (ASEAN).

Africa has come a long way. With abundant natural resources and vast potential, the continent is now one of the fastest-growing regions of the world. Over the decades, Africa has also worked successfully to deal with various challenges of a political, economic or social nature. Thailand commends the role of the New Partnership for Africa's Development (NEPAD) in fostering integration and development in Africa by enhancing trade flows, the movement of people, the development of human resources, youth and women's empowerment, as well as environmental and food security. Thailand also congratulates the African Union on its fifty-fourth anniversary this year. We support NEPAD's first 10-year plan on the way towards achieving Agenda 2063 of the African Union, as it provides a joint comprehensive vision for an integrated and prosperous Africa.

In recent years, our world has faced increasing acts of violence, particularly against women and children, terrorism, conflicts and political instability. That has undermined progress towards development in many countries and regions, including Africa. Now more than ever, we need to come together to address the root causes of those problems, namely, poverty and social inequality. More importantly, it is imperative for the international community to join hands in helping countries in post-conflict situations ensure a smooth transition and sustain peace through effective peacebuilding and reconstruction.

Asia and Africa have faced similar development challenges, be it in achieving sustainable agriculture, ensuring equal and universal access to health care or strengthening infrastructure development. As Thailand has now become a donor country, we are committed to extending our regular support and assistance to Africa through various forms of cooperation, including scholarships, training and local-to-local knowledge transfers. Thailand also ranks first among ASEAN countries as a trading partner with Africa and third in term of investment in the continent.

We have redefined our cooperation with Africa on the basis of trust and mutual interests under the Thailand-Africa Partnership for Sustainable Development scheme. The main purpose is to share with our African friends the philosophy of His Majesty the late King Bhumibol Adulyadej — the Sufficiency Economy Philosophy — our home-grown approach to sustainable development. We believe that philosophy can be adapted to meet the needs of Africa in the areas of agriculture, public health and human-resources development, among others, especially in rural areas.

Today, 21 countries have developed cooperation with Thailand through projects under the Sufficiency Economy Philosophy for Sustainable Development Goals Partnership. In Africa, Sufficiency Economy Philosophy projects have been successfully launched and implemented in Lesotho and Swaziland, and new projects will start this year in Mozambique and Senegal.

At the interregional and multilateral levels, we give priority to and participate in international forums to promote Africa's development, such as the Asia-Africa Conference, the Tokyo International Conference on African Development and the New Asian-African Strategic Partnership. Those consultation and cooperation processes will help pave the way for all of us to achieve our common goals of sustainable development.

On our path towards sustainable development, one of the most challenging tasks at hand is to eradicate pandemics, which continue to leave people in developing and least-developed nations in dire need of access to appropriate health care. A part of Thailand's dedicated work in health care has been on combating epidemics in developing nations, particularly malaria, in order to contribute to creating a healthy population in the Asian region and beyond. Thailand's efforts in the past decade to control the outbreak of malaria have yielded some positive results. We will continue our work and have put in place a 10-year National Strategic Plan for Malaria Elimination (2017-2026), with the target of complete elimination by 2024.

Thailand has been sharing and will continue to share its experience and know-how with its African friends in health care through human-resources development, particularly in the fields related to preventing and curing epidemics, as well as the management of health care in rural areas.

In conclusion, Thailand stands ready to cooperate and work closely with our African friends so that together we can achieve sustainable development, leaving no one behind. Once again we reaffirm our solidarity with Africa. We hope that our continued support will continue to contribute to development in Africa in a meaningful way. We also hope that it will truly help improve the livelihood and welfare of the African peoples.

Ms. Furman (Israel): African States continue to demonstrate drive and resilience, with the African gross domestic product growing significantly faster than the global average over the past decade. Africa's rapid modernization has laid the groundwork for expanding global partnerships that will spur the momentum of development and help bring regional stability.

The relationship between Israel and Africa has never been stronger. Israeli Prime Minister Benjamin Netanyahu visited Africa several times over the past two years and has hosted numerous African leaders in Jerusalem. In June 2017, the Israeli Prime Minister joined the leaders of 15 West African States in Liberia for the fifty-first Summit of the Economic Community of West African States, and in July 2016 Prime Minister Netanyahu visited Uganda, Kenya, Rwanda and Ethiopia accompanied by business leaders from more than 60 companies in order to strengthen economic ties. During those visits, agriculture, health, innovation, energy and counter-terrorism were key items on the agenda.

The theme of the current, seventy-second session of the General Assembly is "Focusing on people: Striving for peace and a decent life for all on a sustainable planet". It is in that spirit that we need to focus on the things that we have in common, which are what unite us. African nations face many of the same challenges as Israel and must use human capital to create sustainable solutions.

Sustainable development in Israel relies on what the Secretary-General calls Israel's "knowledge-based economy", that is, the minds of our people. African nations must groom young people to think critically and creatively — especially given the fact that 60 per cent of the continent is under the age of 24 — as they, like all nations, must rely on human capacity, rather than scarce resources, to build thriving knowledge-based economies.

Through Israel's Agency for Development Cooperation, Israel works with African partner countries, United Nations agencies, civil society and the private sector to further education and training, which is a key platform in the Secretary-General's progress report on the New Partnership for Africa's Development (A/72/223). Israel's Agency for Development Cooperation programmes are based on a "train the trainers" approach to institutional and human capacity-building, with professional training courses conducted in Israel and on site.

In December 2016, Israel hosted a three-day ministerial conference with African agriculture ministers. That was followed by a training session on

applied research in agriculture for agriculture experts. In March 2017, in collaboration with the Food and Agriculture Organization of the United Nations, we hosted a large delegation from Africa for a study tour on green growth and climate change in arid lands, topics of concern for both Israel and African nations. Knowledge gained from those seminars will be useful in making progress on the African Union's vision for providing support for 25 million farming households so that they can employ climate-smart agricultural practices by 2025.

Whether it be running seminars on entrepreneurship, partnering with UNICEF schools to teach children about innovation and technology, joining with UN-Women to build programmes on women's economic empowerment or establishing emergency trauma units and conducting medical operations to alleviate blindness, the Government of Israel and our civil society are making a real difference in the lives of people across Africa and its youth in particular.

While time does not permit me to elaborate on all of the projects and partnerships between African States and Israel, I want to highlight one in particular. The Israeli non-governmental organization (NGO) Innovation Africa is on a mission to bring innovative Israeli solar energy and water technologies to remote African villages. Active in over eight African countries, that Israeli NGO has already provided 1 million people across Africa with access to light and water.

Israel's commitment to the 2030 Agenda for Sustainable Development and the African Union Agenda 2063 focuses on sharing best practices through global partnerships. Through the exchange of ideas and strategies, our nations can address mutual challenges together using sustainable solutions. We stand with our African partners to build a brighter future.

Mr. Kononuchenko (Russian Federation) (*spoke in Russian*): Despite continued weak global economic growth and the many crisis situations on the continent, African countries have demonstrated a resolute commitment to achieving the Sustainable Development Goals and Agenda 2063 of the African Union. Significant efforts have been focused on elaborating national political strategies for mobilizing domestic resources, broadening private-public partnerships and simplifying investment legislation.

It is troubling to see that the Secretary-General's latest progress report (A/72/223) notes a 3 per cent decrease in foreign direct investment on the continent in 2016. We are of the view that African countries need support to implement the 2030 Agenda for Sustainable Development, without which the threat of reversing the progress achieved in recent years is very real.

The Russian Federation takes a responsible approach to its role as a partner for African development and plans to continue to increase its cooperation with the continent. Russia continuously provides intergovernmental assistance through initiatives aimed at assisting the poorest, highly indebted countries and has forgiven more than $20 billion in African debt. Moreover, it uses innovative mechanisms to ease the debt burden through debt-for-development schemes. Such agreements have been signed with Tanzania, Zambia, Mozambique and Ethiopia.

As a donor facilitating international development, our country is carrying out projects to ensure food security and to improve industrial and transport infrastructure through response programmes, funds and other specialized United Nations bodies. One of the key channels for that is the World Food Programme. In 2017, the recipients of Russian assistance were Namibia, Kenya, Somalia, and the Sudan.

We support the community health-care sector: in 2015, the Russian Federation was one of the first to react and respond to the Ebola fever outbreak by allocating more than $60 million. At the medical centre opened by Russia in Guinea, a vaccine developed in our country is being tested, with professional training courses being held for local specialists. That is particularly important for improving the response to outbreaks of infectious diseases. Through UNICEF, more than $5 million has been allocated for a vaccine campaign in Angola to protect people from yellow fever.

We consider that the World Health Assembly's decision to appoint a representative of Africa — Tedros Adhanom Ghebreyesus — as the new Director-General of the World Health Organization was a timely one. Russia has supported South Africa's initiative to organize a high-level meeting to combat tuberculosis in 2018. We plan to participate actively in the preparations for that meeting by holding a global ministerial conference on the topic in Moscow on 16 and 17 November, in which we invite Member States to take part.

Africa's future development largely depends on the development of the continent's production capacity

and trade opportunities. Our delegation accordingly endorsed the adoption of the Third Industrial Development Decade for Africa. In our view, the United Nations Industrial Development Organization will play a key role in carrying out the work of that 10-year plan.

Industrialization is impossible without ensuring that States on the continent have access to cutting-edge technologies. We therefore value establishing a technology bank for least-developed countries. In order to integrate Africa into international markets, it is clear that greater attention must be paid to developing its infrastructure. In that regard, we welcomed the opening of the regional central branch of the Brazil, Russia, India, China and South Africa Development Bank in Johannesburg. We trust that it will generate additional opportunities for the entire continent with regard to establishing and implementing large-scale infrastructure projects. That is fully in line with plans set out in the Group of 20 Communiqué at the Hangzhou Summit, which was aimed at supporting inclusive and sustainable structural transformations in Africa.

We believe that the continent has enormous potential in terms of both natural and human resources. It would be a grave error not to use them for the benefit of all humankind. We therefore call on the international community, in particular the United Nations system, to provide the necessary assistance to the region so as to implement the 2030 Agenda and Agenda 2063.

Mr. Laassel (Morocco) (*spoke in French*): The Kingdom of Morocco aligns itself with the statement made by the representative of Egypt on behalf of the Group of African States.

The Moroccan delegation welcomes the adoption of the Framework for a Renewed United Nations-African Union Partnership on Africa's Integration and Development Agenda 2017-2027, and hopes that the Framework, which will provide the road map for strengthening cooperation between the two organizations, will be able to draw on effective monitoring mechanisms so as to ensure the achievement of the development goals set out by the African Union's Agenda 2063. In that regard, my delegation remains convinced that only joint African efforts based on strong regional coordination will enable African countries to overcome the challenges they face relating to sustainable development and peace and security.

As the report of the Secretary-General (A/72/223) on the New Partnership for Africa's Development (NEPAD) has underscored, despite the progress made in recent years in the areas of economic and social development, obstacles continue to impede efforts to reach the Sustainable Development Goals (SDGs) and to implement Agenda 2063. Among those obstacles is the problem of financing the implementation of the NEPAD programme, which, if left unresolved, could hinder the achievement of the goals of the 2030 Agenda for Sustainable Development and Agenda 2063. Indeed, the financing capacity of most African Governments is limited.

That situation is aggravated by a situation where we have a scarcity of funding resources, international financial markets that are difficult to access, and a decrease in official development assistance. It is therefore important to establish, together with African countries, a new phase of international cooperation and partnership for sustainable development in its three dimensions based on the principle of shared but differentiated responsibilities so as to create more opportunities for enlisting the necessary financial resources.

In that context, my delegation believes that encouraging investment, developing infrastructure, improving market access, and facilitating technology transfer and debt relief are key to achieving the economic emergence of African countries. Moreover, strengthening the private sector will help diversify African economies, improve added value and create employment and income opportunities. It is also important that the pledges made in connection with official development assistance, which is a significant source of financing for development — especially for least-developed African countries — be honoured.

Adapting agriculture in Africa is an essential component for ensuring food security. For that reason, appropriately adapting agriculture requires the implementation of the Paris Agreement on Climate Change through capacity-building, technology transfer, and the financing of climate-related activities. The twenty-second session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (COP 22), held in Marrakech, provided an opportunity for a broader discussion on how to involve all governmental and non-governmental actors, including financial institutions, in climate-related activities.

In that context, the solemn declaration adopted by African leaders and Heads of State at the African Action

Summit, held on the sidelines of COP 22, reflects the commitment of African leaders to defend their shared stance on combating climate change and its effects, particularly desertification. In that spirit, my country has facilitated the initiative known as the Adaptation of African Agriculture, which is aimed at developing solutions based on resilience for farmers across the African continent, while taking into account the impact of climate change on agriculture.

Morocco has promoted South-South cooperation and the development of intra-African trade and investment as a fundamental pillar of its economic cooperation policy in its sphere of influence in Africa. Accordingly, Morocco has launched partnerships and cooperation programmes together with African countries in numerous areas, such as education, health, infrastructure, agriculture and vocational training. In addition, Morocco's relations with the African continent have enjoyed unprecedented growth over the last decade, thanks to the numerous visits made by His Majesty King Mohammed VI to several African countries, thereby strengthening our relations. At the same time, together with the cooperative efforts initiated by the Moroccan Government and the Moroccan Agency for International Cooperation with the countries of Africa, Moroccan private enterprises have increased their investments in key development sectors on the continent, such as air and sea transport, banking, housing, telecommunications and tourism.

In conclusion, I would like to reiterate Morocco's commitment to strengthening South-South and triangular cooperation, which encourages partnerships that promote financing, spur growth and create jobs so as to achieve the priority goals of the African continent. Morocco will also be active in supporting efforts aimed at significantly contributing to the implementation of NEPAD and Agenda 2063 programmes, based on an integrated and coherent approach aimed at implementing the Sustainable Development Goals and bringing about a lasting peace that prioritizes prevention by addressing the root causes of conflict.

Ms. Krisnamurthi (Indonesia): Indonesia aligns itself with the statement made by the representative of Brunei Darussalam on behalf of the Association of Southeast Asian Nations. My delegation wishes to thank the Secretary-General for his reports (A/72/223 and A/72/269), which highlight the progress achieved in the implementation of the New Partnership for Africa's Development (NEPAD) and the major developments regarding peace and security and their interlinkage with sustainable development in Africa, respectively.

The impacts of the global financial crisis continue to cast a shadow over many countries. The pace of recovery is uneven across the globe, even as we witnessed a modest strengthening of global economic activities in the beginning of 2017. Growth on the African continent is expected to reach 2.6 per cent this year, but there needs to be more rapid growth so that African countries can accelerate their efforts to reach the Sustainable Development Goals (SDGs).

Prior to the adoption of the 2030 Agenda for Sustainable Development, African countries had already set their own developmental targets under the African Union's Agenda 2063. We must now strive together and synergize efforts to achieve the targets for the people in Africa. The pursuit of sustainable development in Africa should be a collective endeavour. We all share the responsibility to ensure that African countries are not left behind. To that end, my delegation would like to highlight the following points.

First, we must enhance international cooperation so as to mobilize financing for development in Africa. The Secretary-General's latest report on progress in implementing NEPAD (A/72/223) noted that financing remains a serious challenge to the implementation of the NEPAD agenda and, unless addressed, is likely to pose challenges to the implementation of the United Nations 2030 Agenda for Sustainable Development as well. The continuous provision of technical assistance and capacity-building is needed to mobilize domestic resources and combat illicit financial flows, strengthen the recovery and return of stolen assets, broaden tax bases and attract investment.

Equally crucial is the fulfilment of all official development assistance commitments and other concessional financing by development partners. Efforts must be made to preserve the debt-sustainability of African countries, especially those impacted by conflicts and natural disasters, thus freeing up resources for development and poverty eradication.

Secondly, we must promote initiatives that generate inclusive and sustained growth. The importance of infrastructure in promoting the integration of the global economy cannot be overstated. Infrastructure-development projects in African countries must be supported. We must foster partnerships to support industrialization in Africa in

line with the Third Industrial Development Decade for Africa for the period 2016-2025, recognizing its potential to generate employment, increase income and further economic diversification.

Thirdly, we must strive to enhance collaboration between the United Nations and the African continent in the area of sustainable development. NEPAD and the African Union's Agenda 2063 are integral to the United Nations 2030 Agenda. Indonesia looks forward to the further mainstreaming of those strategies in the operational activities of the United Nations development system, and we also look forward to the Secretary-General's December report on how the United Nations must be repositioned to better support national efforts, including those of African countries, in achieving the SDGs.

Indonesia has always been a true partner of African countries, including in their struggle for independence, as manifested by the convening of the Asian-African Conference in 1955 in Bandung. Indonesia co-initiated the New Asia Africa Strategic Partnership to promote cooperation in various fields between the two regions. African countries are among the top recipients of Indonesia's South-South cooperation programme, which is based on the principles of equality, mutual respect and non-conditionality, and is demand-driven.

At the Group of 20 Summit in Hamburg this year, our President announced his intention to further transform political ties between Indonesia and Africa into concrete economic ties. To that end, Indonesia will host the Indonesia-Africa Forum in 2018 to explore economic opportunities, strengthen technical cooperation and enhance the existing partnership between both sides.

Mr. Gumende (Mozambique): Allow me to start by congratulating Mr. David Mehdi Hamam, Acting Special Adviser to the Secretary-General on Africa, and his staff for the successful convening of Africa Week 2017, an annual event that brings together all relevant stakeholders in the quest for ways and means to advance synergies and partnerships aimed at addressing the prevailing challenges afflicting the development of African countries and their peoples.

I also take this opportunity to thank Secretary-General António Guterres for the two reports under consideration (A/72/223 and A/72/269), as they provide a clear picture of the efforts undertaken by African countries and their partners, including the United Nations system, to implement the commitments under the New Partnership for Africa's Development (NEPAD) and the African Union's Agenda 2063: The Africa We Want. The complementarity between those continental instruments and the United Nations Agenda 2030 on Sustainable Development is also very well highlighted.

I seize this opportunity to express the alignment of Mozambique with the statement delivered by the representative of Egypt on behalf of the Group of African States.

Since its inception, the New Partnership for Africa's Development has provided us with exceptional opportunities to improve capacities and policies, with a view to delivering results in important socioeconomic areas and promoting public and private partnerships that add to the growing confidence in our ability to lead Africa on the path to socioeconomic development, peace and stability.

The adoption of Agenda 2063 and the approval of its 13 flagship projects also bear witness to our resolve to be the subjects and owners of our own destinies. We believe that the strategic impacts of those home-grown solutions will provide quick wins, with the potential to improve the positive trends in Africa with regard to its economic growth rates, political stability and the strengthening of democratic institutions and results in the social sphere. In our endeavours, the support of development partners is key to helping Africa successfully address the prevailing challenges.

Therefore, while we are encouraged by the modest increase in the levels of official development assistance to Africa, from $15.3 billion in 2014 to $56.6 billion in 2015, we are concerned by the fact that, since 2010, the increase has been due mainly to the cost of humanitarian aid and the hosting of refugees in donor countries. In addition, the continued decline in foreign direct investment (FDI) flows to Africa is a source of concern, given its role in the development of infrastructure. We therefore look at the financial commitments made at United Nations conferences, including in the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, with hope.

The call for action to implement Agenda 2063 reminds us that agriculture continues to be a major driver of development and source of livelihood in Africa, particularly in rural areas, where the majority of our people live. In that vein, our efforts to eradicate poverty also address the need to modernize agriculture.

Experience proves that, with the right policies and support, progress in promoting sustainable agriculture and combating malnutrition is possible.

Therefore, at the national level, our 2015-2019 five-year agricultural plan was defined as the basis for development, owing to the fact that 88 per cent of Mozambicans rely on agriculture. Therefore, the Strategic Plan for the Development of the Agrarian Sector (PEDSA) for 2011-2020 strongly supports the family sector, which still comprises the largest number of agricultural workers. PEDSA also includes high-productivity farming systems in the six sectors that work with regional and international markets. With PEDSA, we also aim to support food production and cash crops so as to supply agriculture inputs, crop protection, institutional capacity and the promotion of research on the agriculture sector.

We are committed to continuing to encourage the participation of various stakeholders, including women and youth. In our view, community empowerment is essential, owing to the capacity that it provides in improving the welfare of the most vulnerable and protecting the environment.

As part of food security and nutrition policies, Mozambique established a national coordination framework, whose priority actions include: increasing local production of adequate food to meet nutritional needs in terms of quantity and quality, improving the capacity of individuals and families to provide sufficient resources to purchase food suitable for their needs, strengthening nutrition surveillance systems, improving the access of households to sources of safe drinking water and energy resources, creating and controlling food standards that ensure food safety and good human nutrition, including food and nutrition security and the human right to adequate food in school curriculums.

Achieving agriculture development and food security and nutrition goals demands investment capacity to create national resilience and holistic, multi-sectoral coordination. It also requires adequate flows of FDI.

As part of our national five-year plan, the Government of Mozambique is fully committed to providing high-quality health care to its people. In fact, the national health system has shown significant improvements over the past decade with efforts to reduce imbalances and improve the availability of drugs. Major progress has also been made in child immunization, and overall access to health services has substantially increased.

Despite that progress, Mozambique still faces daunting challenges in addressing malaria and the HIV/AIDS epidemic. Malaria remains a great concern in our development efforts, as it accounts for a high percentage of Mozambique's disease burden, with children under 5, pregnant women, socially disadvantaged groups and people living with HIV/AIDS being the most vulnerable.

As part of Mozambique's development plan, the Ministry for Health is actively engaged in establishing participative and integrated strategies to mitigate the impact of diseases that directly affect the social and economic structure. It also has a strategy in place that combines efforts to secure more flexible, better trained health personnel, as well as a close-monitoring mechanism for malaria eradication. As a result, Mozambique has made significant steps towards the reduction of malaria incidence and has increased the number of health units capable of performing malaria diagnosis on the spot. Our efforts are geared towards measures aimed at increasing the collective awareness of good practices with a view to eliminating the scourge of malaria.

In efforts to address malaria, partnerships are of the essence. To that end, Mozambique joined the Southern African Development Community's Malaria Elimination Framework, which includes the eight countries that signed the Malaria Elimination Agreement in 2009, setting 2020 as a target for malaria eradication. That regional approach played a pivotal role in strengthening the ongoing transborder initiatives and their sustainability.

Guided by the NEPAD agenda, Mozambique is committed to good governance. In that context, we adhered to the African Peer Review Mechanism in March 2003, followed by the submission of progress reports in 2014 and 2015. The country is undertaking its second evaluation, which will be concluded and submitted by mid-2018.

I would like to conclude this statement by stressing our unwavering commitment to fulfilling the pan-African vision of an integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in the international arena. That is the Africa we want, this is the Africa we seek to build for the next generations, this is the Africa we hope our

partners will continue to support. The Government of Mozambique remains committed to accelerating and redoubling its efforts.

Mr. Sinirlioğlu (Turkey): I thank you, Sir, for organizing this debate. I congratulate the Office of the Special Adviser on Africa for organizing the 2017 Africa Week at the United Nations. I also thank the Secretary-General for his substantive reports (A/72/223 and A/72/269) on the progress achieved in the implementation of the New Partnership for Africa's Development (NEPAD) and on the causes of conflict in Africa.

I would like to begin by commending the efforts of the African countries, the African Union and African subregional organizations, including the NEPAD Planning and Coordination Agency, which contribute to the development and maintenance of peace and security on the continent. Despite tremendous challenges, Africa is making great strides towards achieving the Sustainable Development Goals, while trying to find African-led solutions to the ongoing crises in various parts of the continent. Africa's increasing economic growth and its genuine initiatives to prevent and solve its crises deserve the support of the international community.

Turkey's Africa Partnership Policy fully embraces the principle of African solutions to African issues. We believe that the African people and African Governments have the best knowledge and the most suitable answers to their problems. With its expertise and capacity, Turkey remains determined to assist the African countries in their efforts. Turkey, as a strategic partner of Africa, has joined the African countries in their development efforts with substantive infrastructure programmes and projects and humanitarian assistance. Turkey also plays an important part in supporting security and stability in Africa through its participation in United Nations field missions and through its bilateral engagements.

Turkey has diversified and significantly increased its assistance to Africa in recent years. The Global Humanitarian Assistance Report 2016 ranked Turkey the second-largest donor country worldwide with its $6 billion in humanitarian spending. Turkey ranks first in terms of its official humanitarian assistance ratio by national income.

Turkey has multiplied its official development assistance to sub-Saharan Africa more than a hundredfold since 2005. While taking critical initiatives to alleviate the suffering of crisis-stricken African nations, Turkey focuses on capacity development and institution-building in many African countries. Turkish development efforts are not limited to infrastructure projects and include capacity-building through education and vocational training, which have a genuine impact.

Those capacity-building efforts stretch across all fields, including macroeconomic management, land surveys, urbanization projects, agricultural productivity, medical treatment and hospital management, communication and information technologies and transport. Education is a field of advanced cooperation between Turkey and its African counterparts. Yesterday, we hosted education ministers from African countries in Istanbul at the Turkey-Africa Education Ministries Conference. Each year, Turkey provides around 1,000 higher-education scholarships to African students. There are several technical training programmes carried out by various Turkish Ministries and Government agencies, either in Turkey or in Africa.

Local capacity increase is key in Turkey's development assistance strategy. For instance, the vocational training centre, established by the Turkish Cooperation and Coordination Agency in Khartoum, provides necessary skill sets for the youth and contributes to the flourishing of local economies. The centre has so far provided training to more than 15,000 young people in 10 different sectors.

Turkey also shares its expertise in agriculture, a key sector for Africa's development, through vocational training programmes, experience-sharing and best-practices courses held in Turkey. Infrastructure projects, such as the construction of roads, ports, irrigation systems and schools, are important for capacity-building and improving basic services, food security and human-resources development in African countries. Turkey provides African Governments and local authorities with grants and technical assistance for infrastructure projects and supports the African private-sector initiatives through EXIMBANK loans and other facilities.

With that understanding, Turkey is building or rehabilitating dams for agricultural irrigation and water management in the Horn of Africa. Our Cooperation Agency, in collaboration with Turkish and local non-governmental organizations, is establishing agriculture schools and greenhouses in Somalia,

Sudan and other parts of Africa. Two research and training hospitals that Turkey constructed in Darfur and Mogadishu in 2014 and 2015, respectively, are good examples of Turkey's determination to fulfil its unwavering commitment to Africa, even under difficult conditions. Turkey also collaborates with African small- and medium-sized enterprises (SMEs) to carry out sustainable development projects aimed at strengthening industrialization and job creation in various African countries. In that connection, we also organize training programmes and field trips for African SMEs in Turkey.

We know that overall stabilization and socioeconomic development efforts in Africa cannot succeed without economic empowerment and the active engagement of women and youth. In that context, Turkey implements joint projects with the African Union and African countries for the capacity-building of young entrepreneurs, including women. Turkey organizes comprehensive training programmes and field trips in cooperation with the African Union on entrepreneurship, business start-ups, development and capacity-building. One such event, designed for Somali women and young entrepreneurs, was held within the framework of the Somali High-level Partnership Forum, which took place in Istanbul in 2016. The Bazaar Africa, which opened in 2016, gave visibility to the economic capacity and productivity of African women.

An extensive network composed of 39 Turkish embassies, development agencies across the continent, Turkish Airlines and Turkish businessmen's associations across the continent play an active role in efforts to help African countries tap Africa's real economic and business potential in order to create an environment conducive to peace and prosperity. That network is present in many crisis-affected regions of Africa and is doing a great job for the African people.

Mr. Suan (Myanmar): It has been almost two decades since the inception of the New Partnership for Africa's Development (NEPAD). It is a collective vision and strategic framework for African countries that has the aim of eliminating poverty and achieving a sustainable path of growth and development on the continent.

Over the years, we have witnessed encouraging progress made by many African countries. Nevertheless, many challenges remain to be addressed. Some African countries are still grappling with economic uncertainty, political instability, poor connectivity and infrastructure, climate change and natural disasters, which impede the achievement of sustainable development on the continent.

We are encouraged by the impressive progress made by the Programme for Infrastructure Development in Africa (PIDA), which focuses on 16 cross-border projects. It will further strengthen connectivity among African countries. The successful implementation of PIDA will contribute to reaching NEPAD's goals of promoting accelerated growth and sustainable development, eradicating widespread and severe poverty, and halting the marginalization of Africa in the globalization process.

Despite the adverse effects that weak global economic conditions have on Africa's growth performance, African countries continue to make progress in the implementation of the priorities of NEPAD, particularly in the areas of infrastructure, agriculture and gender mainstreaming. While some African countries are experiencing infrastructure development, the Secretary-General, in his report on progress in implementing the NEPAD agenda (A/72/223), pointed out that African countries need to undertake the reforms necessary to attract local and foreign private-sector partners for investment in infrastructure, including through the creation of enabling regulatory and legal frameworks. I strongly believe that such reforms will bring more foreign investors to the region. At the same time, I would like to urge development partners to support infrastructure development in Africa through financing and capacity-building.

Asia and Africa are the continents of opportunities and challenges. Given the similarity of the development paths of our two continents, we recognize tremendous potential in our collaboration for mutual benefit in many areas through South-South cooperation and the New Asian-African Strategic Partnership.

Myanmar was one of the leading countries in building friendship and solidarity among Asian and African countries more than six decades ago, as it was one of the organizers for the historic Asian-African Conference, which is better known as the Bandung Conference. As Myanmar and African friends have deep-rooted traditional relationships, Myanmar will continue to stand firmly in supporting NEPAD's

objectives of political stability, high economic growth and sustainable development.

Myanmar, like many countries in Africa, lagged behind in development owing to decades of internal armed conflict. Since the new Government came into office in March 2016, we have set peace and national reconciliation as top priorities, with the aim of establishing a democratic federal union. Significant progress has been achieved in the peace process. Peace and stability are prerequisites for sustainable economic development.

On the economic front, Myanmar has opened its doors to responsible foreign investment, which could provide much-needed employment opportunities. Myanmar's 12-point economic policy has been crafted to achieve many of the Sustainable Development Goals, including poverty alleviation, the enhancement of infrastructure investment, as well as investment in agriculture, the private sector and small and medium-sized enterprises. At the same time, we are reaching out to the international community for a new approach that will deepen engagement and cooperation at both the bilateral and the multilateral levels. Myanmar therefore looks forward to enhancing our engagements with our African friends in their development endeavours within the framework of South-South cooperation.

To conclude, we would like to reiterate our support for the full and effective implementation of NEPAD, the United Nations 2030 Agenda for Sustainable Development and the African Union's Agenda 2063 for promoting peace and development in Africa, while building a mutual understanding that is based on our friendship and cooperation through the Bandung spirit of Afro-Asian solidarity.

Mr. Boukadoum (Algeria): I thank you, Sir, for personally presiding over today's meeting. It shows your interest in Africa, and I would like to convey my thanks for that. The debate on the New Partnership for Africa's Development (NEPAD) is very dear and crucial to my continent, and my country cherishes the opportunity to share its views with the entire membership.

I would like to start by saying that in addition to aligning ourselves with the statement delivered by the representative of Egypt on behalf of the Group of African States, I would like to add the following remarks in my national capacity.

We note with appreciation the findings and recommendations contained in the report of the Secretary-General, in particular the report on progress in the implementation of and international support for NEPAD (A/72/223). We also wish to thank the Office of the Special Adviser on Africa for its dedication and valuable work in enhancing international support for Africa's development. I also wish to commend the work of the Economic Commission for Africa, which has called for enhanced cooperation with the African Union.

As indicated in the Secretary-General's report, African countries are working to mainstream the United Nations 2030 Agenda for Sustainable Development and the African Union's Agenda 2063 into their national development frameworks. While being convinced of the multiple benefits of regional integration, African countries have made significant progress on the establishment of a continental free trade area, which we hope will facilitate economic exchanges, create decent jobs, help to mobilize domestic resources and attract extra-continental flows of funds needed for investments, in particular for infrastructure and development.

Having said that, what is needed most is the concrete mobilization of domestic resources in African countries. The international community should support the continent in achieving a sustainable growth that is based on a domestic production system, an effective tax-collection administration and strengthened capacity-building. Africa needs to benefit from improved market access, particularly to markets in the developed countries, which are called upon to show more openness to supporting Africa's development efforts and its inclusion in the international system. The voices heard in some wealthy countries, calling for economic stabilization measures, could raise some difficulties, as we fear that certain proposed measures will end up creating new obstacles for the effective contribution of Africa to the world economy.

The issue of the transfer of technology remains a long-standing, lingering issue. Productive investment is investment that opens up possibilities for the transfer of technology and is not focused exclusively on material profits or stock dividends.

For more than a decade now, NEPAD has placed the questions of peace, security, democracy, good governance, human rights and women's empowerment at the heart of sustainable development. While recognizing the political, economic and social difficulties that have

beset Africa's development for decades, NEPAD is also the expression of Africa's determination to establish a new partnership anchored in the principles of African leadership and, above all, ownership.

The progress that Africa has achieved finds itself hampered by a variety of factors. The collective actions undertaken by Africa to fight poverty continue to suffer from the backlash caused by a multitude of crises in various parts of Africa, as well as other setbacks resulting from the effects of natural disasters, climate change — to which Africa has contributed the least of any region — and volatile commodity prices. Africa's resilience can and must be strengthened.

The international community can contribute greatly to that process, and we seize this opportunity to call on our partners to fully support the African Union. Let us remember that Agenda 2063 of the African Union and its continental programmes are embedded in NEPAD. After a decade of implementation, NEPAD, as a programme of the African Union, produced a number of encouraging results, including the promotion of infrastructure development.

With respect to the implementation of the Trans-Sahara Highway project championed by Algeria, the part that is to be carried out by my country has recently been completed. That project will link Algeria to Nigeria and will open up the landlocked and deprived areas in between the two countries. It will also certainly be instrumental to free trade and to enhancing economic exchange between the North and the South of the Sahelo-Saharan region. The other project, an optic fibre link between Algeria and Nigeria via the Niger, aimed at connecting Algeria to Nigeria through the installation of 4,500 kilometres of terrestrial optic fibre, will certainly lead to positive spinoffs.

Significant progress has also been made within the Comprehensive Africa Agriculture Development Programme, to which 50 of the 55 States members of the African Union have committed themselves, particularly with regard to implementing national agriculture and food-security investment plans.

Thanks to its immense potential, both in human and natural resources, Africa is the future of the world. Africa is a thriving continent that is on the right track, despite real and evident setbacks and uncertainties. Africa needs to jumpstart its development and has begun to do so thanks to national, regional and continental endeavours. Africa needs to be respected and viewed as a partner, not as a source of problems or a threat to the comfort of others. History shows that the whole world still owes Africa its support in solving its woes, and we expect Member States to provide their cooperation, mutual respect, genuine partnership and solidarity, which are needed now more than ever.

Ms. Guadey (Ethiopia): At the outset, let me thank the Secretary-General for his comprehensive report on the New Partnership for Africa's Development (NEPAD) (A/72/223). Let me also thank the Office of the Special Adviser on Africa, the Mission of the African Union, the Economic Commission for Africa, NEPAD and the United Nations Department of Public Information for jointly organizing Africa Week, which has given us a unique opportunity to exchange views on how to accelerate inclusive and sustainable peace and development in Africa. My delegation aligns itself with the statement delivered earlier by the representative of Egypt on behalf of the African Group.

Since the dawn of the millennium, Africa has been registering encouraging economic growth, which has reduced poverty. As a result of comprehensive policies implemented at the national, regional and continental levels, Africa continues to be the second-fastest-growing region in the world, meaning that even sceptics recognize it as the hopeful and rising continent.

That does not, of course, mean that Africa was immune to the adverse impacts the 2008 global recession or the impact of the recent global commodity-price volatility, which affected its economic growth. Moreover, despite the progress achieved in the political and socioeconomic areas, Africa still continues to face multiple challenges that require urgent and concerted solutions. That is why the leaders of Africa came together and endorsed Agenda 2063 of the African Union with a political commitment to build an integrated, prosperous and peaceful continent that plays its rightful role at the global level.

Building on the achievements of past endeavours, that ambitious vision of creating the Africa we want for current and future generations demonstrates the unflinching political will and readiness of African leaders to shape the destiny of the continent for a much better and transformed Africa. Now more than ever, Agenda 2063 reflects the shared vision of the people of Africa to fully realize the development potential of the continent, as well as comprehensive political, socioeconomic and cultural development,

while respecting environmental sustainability. Indeed, Agenda 2063 is an African-led and African-owned master plan, and Africans are committed to assuming full responsibility for its implementation in line with varying national and regional circumstances.

The 2063 Agenda is also a comprehensive framework for partnership with the international community and a road map for multi-stakeholder collaboration with the private sector, civil society and other development actors. The African Agenda is also fully aligned with the objectives of the United Nations 2030 Agenda for Sustainable Development aimed at realizing prosperity for all and leaving no one behind. Therefore Agenda 2063 and the 2030 Agenda reinforce and complement each other.

In order to fully realize the vision of creating a peaceful and prosperous Africa, it is important to pay special attention to silencing the guns. Africa should leave no stone unturned in working to achieve that, for peace is the prerequisite for Africa's development, which is indispensable for ensuring sustainable peace and security on the continent. In that regard, we have no option but to transform and diversify our economies through inclusive and sustainable industrialization. That should be done in a way that could further translate economic growth into poverty reduction and job creation, as well as into building resilience so as to address the adverse impacts of external shocks and climate change.

While it is the primary responsibility of Africa itself to achieve its development vision, it is clear that, in an interconnected world, Africa requires an enabling and supportive global environment. In that regard, let me emphasize that it is important to enhance financial, technological and capacity-building support for the 2030 and 2063 Agendas in a more coordinated and enhanced manner.

In that regard, we commend the cooperation between the African Union and the United Nations aimed at integrating follow-up and reporting mechanisms. We also believe that cooperation and coordination between the two organizations should be further consolidated so as to achieve both of the development frameworks in line with existing national and regional initiatives. The reform agenda of the United Nations should also consider the special development needs and challenges of Africa.

In conclusion, the messages of the Secretary-General's report and the many useful ideas that we have heard during this Africa Week will help to further foster international partnership in support of the development efforts of Africa. We hope the Week has provided us an opportunity to have productive deliberations between Africa and our development partners, thereby contributing to the accelerated implementation of Agenda 2063.

Mr. Mero (Tanzania): My delegation aligns itself with the statement made by the representative of Egypt on behalf of the Group of African States.

My delegation wishes to commend you, Mr. President, for your statement, which has encouraged Africans to continue to work together to address their own challenges. It is gratifying that the African Union's Agenda 2063, which dovetails with the 2030 Agenda for Sustainable Development, is gaining recognition across the globe. We in Africa are determined to eradicate poverty in the short, medium and long term and to guarantee prosperity to our people. Our resolve has come a long way, starting in the African Union and its subregional organizations with their intent to generate African solutions to surmount current and future challenges. We have always addressed our challenges through common purpose and solidarity, be it in the areas of peace and security, or development and environmental issues.

We are determined, through partnerships with the international community, to be able, first, to address the implementation of the 2030 Agenda and Agenda 2063; secondly, to ensure that we implement the Paris Agreement on Climate Change; thirdly, to support the Secretary-General's reform agenda; and fourthly, to address the challenges of peace and security through regional initiatives, including through partnerships with the international community and other partners. We continue to believe that addressing infrastructure development on the continent and investing in industrialization and value addition is a step in the right direction. At this juncture, let me thank all cooperating partners for supporting the continent through the peace, security and development agenda. Support from partners is not in vain; it is valued and recognized by all of us.

In conclusion, let us work together in order to support the continent as it seeks to integrate itself into and contribute to the global economic value chain.

Mr. Elnour (Sudan) (*spoke in Arabic*): It is my pleasure at the outset to stress that we align ourselves with the statement made by the representative of Egypt on behalf of the Group of African States.

It is also my pleasure to address the Assembly during Africa Week, which supports an integrated, prosperous, people-centred and peaceful Africa. We salute our great fathers and grandfathers. We commend the attention to and focus on people and their role in improving their lives and developing their societies. We believe that it is high time for the United Nations, which adopted its Charter in 1945 with the words "We the peoples", to take the initiative and lead the people to promote their economic, social and cultural rights and to strengthen the pillars of peace and security.

The African continent's contribution to human civilization has been proven since the dawn of time on this Earth. In fact, various cultures and civilizations in various parts of Africa, whether in the north, south, centre, west or east, have promoted human development. Africa was left behind over the past two decades in terms of industrialization and development; yet it has always played its role, and history has proved that Africa set the cornerstone for human civilization. In Africa we have significantly contributed to the great developments of our day.

Unfortunately, over the past several decades, the dark continent has grown into a region of conflicts. In fact, bloody armed conflicts have mushroomed, which has increased the number of fighter and non-fighter victims. Destruction has struck various parts of our continent. We must address the root causes of conflict, such as poverty, the weak rule of law and education opportunities, and the failure to use our resources. Those factors have adversely affected the prosperity and stability of our people. That is why Africa was left behind in development. That is also one of the main causes of conflict.

In addition, emerging reasons for conflict, such as climate change and its significant impact on food security in many developing African countries, especially sub-Saharan Africa, have caused great concern for our people. The international community must work together to avoid the destructive impact of climate change. We hope that the Sustainable Development Goals and the New Partnership for Africa's Development (NEPAD), which includes the African Union's vision of socioeconomic development on the continent, will tackle the root causes of conflict so that Africa may enjoy sustainable peace and development.

We salute and commend the efforts of the African Union, which adopted its ambitious plan: Agenda 2063. That document provides a road map for the development of Africa and for the promotion of its democracy. We also have the pleasure to commend the efforts of regional organizations, which have played a key part in that field, such as the Intergovernmental Authority on Development, which includes the States of the Horn of Africa. As for the Sudan, we must note that we have made tangible progress in our efforts to end conflict and move towards peacebuilding and sustainable peace in Darfur. We would like to thank all organizations that have contributed to the implementation of the Agreement between the Government of the Sudan and the Liberation and Justice Movement for the adoption of the Doha Document for Peace in Darfur. That agreement has transformed Darfur from a conflict region to a region of peace, stability and security.

I would also like to commend the national dialogue initiative launched by our Government with the participation of all political forces. That was done in an effective and serious way in order to ensure comprehensive inclusiveness, transparency and freedom, and to address the main problems of the country, while providing a national document that all political parties agreed on. It paved the way for a constitutional and political future in line with consensual visions and ambitions for addressing social, economic and political problems. Its recommendations and decisions were an achievement that led to the establishment of the Government of National Accord, which has been steering the work of our country with participation on the part of all political parties.

In conclusion, we stress the need to redouble African efforts to establish a comprehensive strategic partnership to fight terrorism and ensure political stability on the African continent, in line with the Committee of Intelligence and Security Services of Africa Conference held in Khartoum in September, with the participation of leaders in the fields of intelligence and security in Africa. That will help to achieve the NEPAD agenda and the 2030 Agenda for Sustainable Development. In fact, there can be no sustainable peace without stability and economic and human development.

The President: I now call on the observer of the African Union.

Mr. Mayaki (African Union): I would first like to convey my warmest congratulations to you, Sir, on your election as President of the General Assembly at its seventy-second session.

I am very honoured to speak on behalf of the African Union (AU), and I would like to thank the Office of the Special Adviser on Africa for having organized a very successful Africa Week. The New Partnership for Africa's Development (NEPAD), which is an African Union programme, is a commitment to action by Africa's leaders. Embedded in Agenda 2063: The Africa We Want, adopted by the African Union in 2015, NEPAD continues to be a rallying point in the continent's pursuit of transformation and growth, within particularly key parameters that underline the social and economic empowerment of our people, without exception.

The continent has settled down and is now fully focused on implementing economic growth and development strategies within the context of the Sustainable Development Goals (SDGs). As we know, Africa's commitments are also specified in Agenda 2063. During this year's Africa Week, with its theme, "Supporting an integrated, prosperous, people-centred and peaceful Africa: Towards the implementation of Agenda 2063 and the 2030 Agenda for Sustainable Development", I would like to draw the Assembly's attention to three issues that underline Africa's advances on its socioeconomic pathways.

The first issue is the demographic factor, particularly the issue of youth and youth employment. We know from past experience, especially that of the past decade, that it is not enough for economies to grow in terms of gross domestic product if that growth is not accompanied, at acceptable levels, by growth and transformative change in specific human-development factors — from jobs and economic opportunities to access to education, health, shelter and clean water. With a youthful population that has a current median age of 20 years — expected to rise to 25 years by 2050, which will still be below the global average of 36 years — it is imperative that Africa break the generation-to-generation poverty cycle that continues to trap many of our people.

While significant progress is being made at the continental and regional levels, as well as within individual AU member States, there are challenges remaining. With an average annual growth rate of 2.5 per cent over the past decade, the demographic factors will be central in identifying priority issues and public-policy options with regard to Africa's socioeconomic pathways. It is no accident that, through the theme of this year's AU Summit, "Harnessing the demographic dividend through investments in youth", the African Union dedicated 2017 to making progress on the issue of youth employment. The issue of youth is not a problem to be eliminated, it is a resource — an economic resource to be harnessed.

An estimated 440 million young people will enter the labour market in Africa alone by 2030. The situation of young people is particularly critical in rural areas, where the lack of decent work opportunities remains pervasive. The majority of rural youth are employed in the informal economy as contributing family workers, subsistence farmers, home-based micro-entrepreneurs or unskilled workers, where they typically earn low wages and are employed under seasonal work arrangements and usually in unsafe working conditions.

The African Union Commission, the regional economic communities and the NEPAD Agency are collaborating on several initiatives that seek to bring added value to the actions being taken by AU member States to address, on the one hand, employment creation and entrepreneurship development, and on the other, enhance the employability of the youth through appropriate training. The African Union vocational training and skills-development strategy is already enabling the youth in many African countries by helping them to acquire industry-relevant skills, and in some cases, entrepreneurship and business-management skills. Africa needs to rapidly expand its capacity to offer relevant skills and vocational training to youth and women.

The second issue is that of trade. While global competitiveness and trading with the rest of the world is one of the realities of our globalized world, I would like to focus that issue on Africa's own inter- and intra-regional trade. The potential capacity to have a significant impact on economic growth is massive and evident. Through progress on various trade instruments, from regional instruments to decisions and declarations on boosting intra-African trade and the establishment of a continental free-trade area, Africa has made commendable advances towards making a reality of its clear political ambition to expand the levels of

continental trade. That is an imperative objective for Africa if it is to realize the goals and targets set by Agenda 2063 and the SGDs.

The need to accelerate progress on the policy front is imperative with regard to customs procedures and visa restrictions, and bringing about the full ratification and use of the African passport. It is equally important to enhance the form, quality and diversity of transboundary tradable goods and services.

Within the context of the African Union Commission, the NEPAD Agency is determined, through various programmes, to support regional economic communities and AU member States in their efforts to make further advances, including on the positive trends in governance and the general business environment with regard to macroeconomic policies and investment options. That should have a tangible impact on the capacity and quality of trade-enhancing factors, including human-capital development, stronger and more accountable institutions and better infrastructure — especially with regard to transport, communication and electricity.

The continent is already making progress on major motorways and regional railway projects to create inland connections. Such efforts need to be augmented, both in terms of technologies and investment financing. One example is the standard-gauge railway that will connect Kenya, Uganda, Rwanda and South Sudan. On the other hand, sea transport is also an important feature in Africa's trade, accounting for close to 90 per cent of Africa's trade movements. That implies the need to strengthen the functioning of seaports, which runs from modernization to improved administration. Another example is the 4,500-kilometre highway that will link Algiers to Lagos.

Within the global communication context in which we live, expanded and widespread Internet penetration cannot be overemphasized. It is a critical issue, and Africa is moving at the same pace as the rest of the world in building relevant Internet capacity and systems.

My third and last point is about addressing inequality. Africa has learned that wealth creation is important in the pursuit of economic growth and inclusive development, but equally important and highly critical for Africa is the issue of the distribution of that wealth in order to make sure that growth is inclusive. It is clear that the world, and the more so Africa, cannot continue to have non-inclusive growth. It is not good for business, nor is it good for political stability and social cohesion. It is not good for economic growth. It is not good for peace and security. That is an issue that has been highlighted by our sister organization, the African Peer Review Mechanism (APRM). As Member States know, the APRM is a critical instrument for the improvement of our governance systems.

While inequality, especially as measured in terms of income and wealth levels, is a global phenomenon, addressing inequality requires that it be analysed and understood within the local, socioeconomic and cultural context. The NEPAD Agency, within the African Union framework, aims to work with AU member States and the United Nations agencies to produce a better national understanding of our situation and to provide ways of measuring inequality. In that context, member States must have access to relevant analytical and decision-making tools to guide their policies and investments.

In conclusion, I would like to recall one, I believe, underlying principle in both the African Union's Agenda 2063 and the Sustainable Development Goals — the commitment to results. The African Union Commission, the regional economic communities and the NEPAD Agency are keen and committed to collaborate with the United Nations agencies to support member States in their efforts to realize their ambition for concrete change and impact through their development efforts.

(*spoke in French*)

The African Union, through its cooperative framework with the United Nations, is prepared to step up its partnership in order to create conditions conducive to accelerating swift implementation of the African Union's Agenda 2063, which is fully in line with the Sustainable Development Goals. The future of the world and of Africa will depend on the success of that implementation.

The President: We have heard the last speaker in the debate on these items.

The Assembly has thus concluded this stage of its consideration of agenda item 66 and its sub-items (a) and (b) and agenda item 13.

The meeting rose at 1.35 p.m.

United Nations A/72/PV.34

General Assembly

Seventy-second session

Official Records

34th plenary meeting
Thursday, 26 October 2017, 10 a.m.
New York

President: Mr. Lajčák ..... (Slovakia)

The meeting was called to order at 10.05 a.m.

Agenda item 7 (*continued*)

Organization of work, adoption of the agenda and allocation of items

Second report of the General Committee (A/72/250/Add.1)

The President: I should like to draw the attention of representatives to the second report of the General Committee contained in document A/72/250/Add.1. In paragraph 1 of the report, the General Committee decided to postpone its consideration of the question of the inclusion of the item entitled "Complete withdrawal of foreign military forces from the territory of the Republic of Moldova" to one of its subsequent meetings.

In paragraph 2 (a) of the report, the General Committee recommends to the General Assembly that an additional sub-item entitled "Confirmation of the appointment of members of the Investments Committee" be included in the agenda of the current session under agenda item 115 under heading I, "Organizational, administrative and other matters". May I take it that the General Assembly decides to include this sub-item in the agenda of the current session under agenda item 115 under heading I of the agenda?

It was so decided.

The President: In paragraph 2 (b), the General Committee further recommends that the sub-item be allocated to the Fifth Committee. May I take it that the General Assembly decides to allocate this sub-item to the Fifth Committee?

It was so decided.

The President: I should like to inform members that the sub-item entitled "Confirmation of the appointment of members of the Investments Committee" becomes sub-item (j) of agenda item 115 on the agenda of the current session. The Fifth Committee will be informed of the decision just taken by the General Assembly.

In paragraph 3 (a) of the report, the General Committee recommends to the General Assembly that an additional item entitled "Observer status for the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean in the General Assembly" be included in the agenda of the current session under heading I. May I take it that the General Assembly decides to include this item in the agenda of the current session under heading I?

It was so decided.

The President: In paragraph 3 (b), the General Committee further recommends that the item be allocated to the Sixth Committee. May I take it that the General Assembly decides to allocate this item to the Sixth Committee?

It was so decided.

The President: I should like to inform members that the item entitled "Observer status for the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean in the General Assembly"

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becomes item 175 on the agenda of the current session. The Sixth Committee will be informed of the decision just taken by the General Assembly.

In paragraph 4 (a) of the report, the General Committee recommends to the General Assembly that an additional item entitled "Cooperation between the United Nations and regional and other organizations: cooperation between the United Nations and the Organization of Islamic Cooperation" be included in the agenda of the current session under heading I. May I take it that the General Assembly decides to include this item in the agenda of the current session under heading I?

It was so decided.

The President: In paragraph 4 (b), the General Committee further recommends that the item be considered directly in plenary meeting. May I take it that the General Assembly decides to consider this item directly in plenary meeting?

It was so decided.

The President: I should like to inform members that the item entitled "Cooperation between the United Nations and regional and other organizations: cooperation between the United Nations and the Organization of Islamic Cooperation" becomes item 176 on the agenda of the current session.

In paragraph 5 (a) of the report, the General Committee recommends to the General Assembly that an additional item entitled "Impact of exponential technological change on sustainable development and peace" be included in the agenda of the current session under heading I. May I take it that the General Assembly decides to include this item in the agenda of the current session under heading I?

It was so decided.

In paragraph 5 (b), the General Committee further recommends that the item be considered directly in plenary meeting. May I take it that the General Assembly decides to consider this item directly in plenary meeting?

It was so decided.

The President: I should like to inform members that the item entitled "Impact of exponential technological change on sustainable development and peace" becomes item 177 on the agenda of the current session.

Agenda item 74

Report of the International Court of Justice

Report of the International Court of Justice (A/72/4)

Report of the Secretary-General (A/72/345)

The President: The annual consideration of the report of the International Court of Justice (A/72/4) by the General Assembly has been a tradition since 1968. It is integral to the efforts aimed at strengthening the relationship between two main organs of the United Nations: the General Assembly and the International Court of Justice. Today it is my pleasure and privilege to welcome the Honourable Judge Ronny Abraham, President of the Court, to this meeting. Before we start the consideration of the report, allow me to make three brief points on the role of the International Court of Justice.

First, I want to underline the contribution of the Court to the cause of peace. The United Nations was created to save succeeding generations from the scourge of war. The Charter of the United Nations declared, among other things, that one of the objectives of the Organization is to establish conditions under which justice and respect for international law can be maintained. The International Court of Justice, as the principal judicial organ of the United Nations, plays a key role in that regard.

While the Court's judgments are binding only on the parties to the case in question, the jurisprudence of the Court has far-reaching impact. It sends a powerful message across the world. Through the exercise of its functions in the peaceful settlement of disputes, the Court also plays an important role in the prevention of conflicts. And in doing so, it contributes to the United Nations wider efforts for peace.

Secondly, I want to acknowledge the role of the Court's work in strengthening the rule of law, not only in the sphere of inter-State relations, but also within the United Nations system. The vision outlined in the Charter cannot be achieved without the rule of law. That is what underpins all of the work we do, whether related to peace and security, sustainable development or human rights. The Court's judgments, as well as its advisory opinions, are key to strengthening the commitment of the international community to the rule of law.

A lot has changed since the International Court of Justice was established. However, the third point I want to make is that the Court remains as relevant as ever. The annual report before us today once again details the high level of activity and interest on the part of States in relation to the Court's work. The 2016-2017 period again saw a number of States, from various parts of the world, submit their disputes to the Court's adjudication. It is also encouraging to note that the positive trend in the level of acceptance of the Court's compulsory jurisdiction continues. Moreover, our annual consideration of the Court's report shows the sustained interest of States Members of the United Nations in the work that takes place in the Peace Palace at The Hague.

It is now my honour to invite Judge Ronny Abraham, President of the International Court of Justice, to take the floor.

Judge Abraham, President of the International Court of Justice (*spoke in French*): It is an honour for me to be addressing the General Assembly once again as it considers the annual report of the International Court of Justice (A/72/4) on its activities over the past year. I am happy to be carrying on what is already a very old tradition. I am pleased to have the opportunity to do so before an Assembly meeting under the presidency of His Excellency Mr. Miroslav Lajčák, to whom I offer my warm congratulations on his election; he has my very best wishes for this most distinguished of missions.

Between 1 August 2016 — the starting date of the period covered by the Court's report — and today, up to 19 contentious cases and one advisory opinion have been pending before the Court. During that same period, the Court has held hearings in six cases. The Court first heard the oral arguments of the parties on the preliminary objections submitted by Kenya in the case concerning *Maritime Delimitation in the Indian Ocean (Somalia v. Kenya)*. It then held hearings on three requests for provisional measures submitted, in turn, in the case concerning *Immunities and Criminal Proceedings (Equatorial Guinea v. France)*, in the case concerning *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)* and in the *Jadhav Case (India v. Pakistan)*. Finally, in early July, the Court heard the oral arguments of the parties on the merits in the cases concerning *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica v. Nicaragua)* and *Land Boundary in the Northern Part of Isla Portillos (Costa Rica v. Nicaragua)*, which were joined in February.

Since 1 August 2016, the Court has also delivered four judgments and three orders indicating provisional measures. The first three judgments concerned questions of jurisdiction and admissibility raised in the cases regarding *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands v. India)*, *(Marshall Islands v. Pakistan)* and *(Marshall Islands v. United Kingdom)* and the fourth addressed the preliminary objections raised by Kenya in the case concerning *Maritime Delimitation in the Indian Ocean (Somalia v. Kenya)*. The orders indicating provisional measures were made, in turn, in the case concerning *Immunities and Criminal Proceedings* instituted by Equatorial Guinea against France, in the case instituted by Ukraine against the Russian Federation and in the case instituted by India against Pakistan.

(*spoke in English*)

As is customary, I shall now give a brief overview of the substance of those decisions.

Having already presented the three judgments rendered by the Court on 5 October 2016 in the cases concerning *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands v. India)*, *(Marshall Islands v. Pakistan)* and *(Marshall Islands v. United Kingdom)* in the statement that I had the honour to give last year to the Assembly, I shall not go back over those decisions. I shall therefore begin by recalling certain elements of the judgment rendered by the Court on 2 February 2017 on the preliminary objections raised by Kenya in the case concerning *Maritime Delimitation in the Indian Ocean (Somalia v. Kenya)*.

In this regard, let me first recall some factual elements. Somalia and Kenya, adjacent States on the coast of East Africa, are parties to the United Nations Convention on the Law of the Sea (UNCLOS). Under article 76, paragraph 8, of UNCLOS, a State party to the Convention intending to establish the outer limits of its continental shelf beyond 200 nautical miles shall submit information on such limits to the Commission on the Limits of the Continental Shelf (CLCS). The role of the CLCS is to make recommendations to coastal States on matters related to the establishment of the outer limits of their continental shelf beyond

200 nautical miles. With regard to disputed maritime areas, the CLCS requires the prior consent of all the States concerned before it will consider submissions regarding such areas.

As the Court recalls in its judgment, Somalia and Kenya signed a Memorandum of Understanding on 7 April 2009, agreeing to grant each other a no-objection in respect of submissions made to the CLCS on the outer limits of the continental shelf beyond 200 nautical miles. Paragraph 6 of the Memorandum further provides that:

> "[t]he delimitation of maritime boundaries in the areas under dispute ... shall be agreed between the two coastal States ... after the Commission has concluded its examination of the separate submissions made by each of the two coastal States and made its recommendations...".

In the following years, both parties raised and withdrew objections to the consideration of each other's submissions by the CLCS. Those submissions are currently under consideration by the CLCS.

On 28 August 2014, Somalia instituted proceedings against Kenya before the Court, requesting the latter to determine, on the basis of international law, the complete course of the single maritime boundary dividing all the maritime areas appertaining to Somalia and to Kenya in the Indian Ocean, including the continental shelf beyond 200 nautical miles. As a basis for the Court's jurisdiction, Somalia invoked the declarations recognizing the Court's jurisdiction as compulsory made by the two States. Kenya, however, raised two preliminary objections: one concerning the jurisdiction of the Court and the other the admissibility of the application.

In its judgment dated 2 February 2017, the Court first examined Kenya's objection concerning the jurisdiction of the Court. In this objection, Kenya argued that the Court lacked jurisdiction to entertain the case as a result of one of the reservations to its declaration accepting the compulsory jurisdiction of the Court, which excludes disputes in regard to which the parties have agreed "to have recourse to some other method or methods of settlement". Kenya asserted that the Memorandum constituted an agreement to have recourse to another method of settlement. It added that the relevant provisions of UNCLOS on dispute settlement also amounted to an agreement on the method of settlement.

The Court first considered whether the Memorandum fell within the scope of Kenya's reservation. Having examined the legal status of that instrument under international law, it concluded that it was a valid treaty which entered into force upon signature and which was binding on the parties under international law. The Court then proceeded to interpret the Memorandum and concluded that it did not constitute an agreement by the parties to have recourse to some other method or methods of settlement within the meaning of Kenya's reservation to its declaration recognizing the Court's jurisdiction. Therefore, it did not fall within the scope of that reservation.

The Court next considered whether Part XV of UNCLOS, entitled "Settlement of disputes", amounted to an agreement between the parties on a method of settlement for their maritime boundary dispute within the meaning of Kenya's reservation. It focused on article 282 of the Convention in particular, which provides that

> "[i]f the States Parties which are parties to a dispute concerning the interpretation or application of [UNCLOS] have agreed, through a general, regional or bilateral agreement or otherwise, that such dispute shall, at the request of any party to the dispute, be submitted to a procedure that entails a binding decision, that procedure shall apply in lieu of the procedures provided for in [Part XV], unless the parties to the dispute otherwise agree".

The Court was of the view that the phrase "or otherwise" in article 282 encompassed agreement to the jurisdiction of the Court resulting from optional clause declarations, even when such declarations contain a reservation to the same effect as that of Kenya. It concluded from this that, under article 282, the optional clause declarations of the Parties constituted an agreement reached "otherwise" to settle in the Court disputes concerning the interpretation or application of UNCLOS and that the procedure before the Court should therefore apply "in lieu" of procedures provided for in section 2 of Part XV.

Accordingly, the dispute did not, by virtue of Part XV of UNCLOS, fall outside the scope of Kenya's optional clause declaration. The Court concluded that Kenya's preliminary objection to the jurisdiction of the Court had to be rejected. It then turned to the second preliminary objection raised by Kenya, which concerned the admissibility of the application.

The Court recalled that, according to Kenya, the application was inadmissible for two reasons. First, Kenya argued that the parties had agreed in the Memorandum to delimit their boundary by negotiation and only after the completion of the CLCS review of their submissions. Having previously found that the Memorandum did not bind the parties to wait for the outcome of the CLCS process and did not impose an obligation on the parties to settle their maritime boundary dispute through a particular method of settlement, the Court also rejected this aspect of Kenya's second preliminary objection.

Secondly, Kenya contended that Somalia's withdrawal of its consent to the consideration by the CLCS of Kenya's submission was in breach of the memorandum. The Court observed that the violation by Somalia of a treaty at issue in the case did not per se affect the admissibility of its application. In the light of the foregoing, the Court found that the preliminary objection to the admissibility of Somalia's application had to be rejected.

The Court therefore found that it had jurisdiction to entertain the application filed by the Federal Republic of Somalia on 28 August 2014 and that the application was admissible. By an order dated 2 February 2017, the Court fixed 18 December 2017 as the deadline for Kenya to file its counter-memorial in the case. The proceedings are therefore currently pending.

As already mentioned, during the reporting period, the Court also handed down three orders for the indication of provisional measures, which I will briefly present in chronological order. The first one was issued on 7 December 2016 in the case concerning *Immunities and Criminal Proceedings* (*Equatorial Guinea v. France*). As a French national, I did not exercise the functions of the presidency in this case, in accordance with article 32, paragraph 1, of the rules of the Court. This role was assumed by the Vice-President of the Court, in conformity with article 13 of the rules.

I would like to recall that, on 13 June 2016, Equatorial Guinea instituted proceedings against France with regard to a dispute concerning the alleged immunity from criminal jurisdiction of the Vice-President of the Republic of Equatorial Guinea, Mr. Teodoro Nguema Obiang Mangue, and the legal status of a building located at 42 avenue Foch in Paris. Equatorial Guinea contended, inter alia, that, by initiating criminal proceedings against its Vice-President in charge of Defence and State Security and by ordering the attachment or *saisie pénale immobilière* of a building said to house its Embassy, France had disregarded immunities accorded under international law and violated Equatorial Guinea's sovereignty.

A few weeks later, on 29 September 2016, Equatorial Guinea submitted a request for the indication of provisional measures, asking the Court, inter alia, to order that France suspend all the criminal proceedings brought against the Vice-President of Equatorial Guinea, that France ensure that the building located at 42 avenue Foch in Paris is treated as premises of Equatorial Guinea's diplomatic mission in France, and, in particular, assure its inviolability, and that France refrain from taking any other measure that might aggravate or extend the dispute submitted to the Court. Equatorial Guinea sought to found the Court's jurisdiction on two instruments, namely the Convention against Transnational Organized Crime and the Optional Protocol to the Vienna Convention on Diplomatic Relations.

In its order, the Court, following its usual methodology, first examined whether the jurisdictional clauses contained in these instruments conferred upon it *prima facie* jurisdiction to rule on the merits, enabling it — if the other necessary conditions were fulfilled — to indicate provisional measures. Having examined the relevant elements, the Court considered that it did not have *prima facie* jurisdiction under article 35, paragraph 2, of the Convention against Transnational Organized Crime to entertain Equatorial Guinea's request relating to the alleged immunity of Mr. Teodoro Nguema Obiang Mangue.

It did, however, find that it had *prima facie* jurisdiction under article I of the Optional Protocol to the Vienna Convention to entertain the second aspect of the dispute concerning the building located at 42 avenue Foch in Paris. The Court was therefore of the view that it could, on this basis, examine Equatorial Guinea's request for the indication of provisional measures insofar as it concerned that building.

Having found that it did not have *prima facie* jurisdiction to entertain the alleged violations of the Convention against Transnational Organized Crime, the Court addressed only Equatorial Guinea's alleged right to the inviolability of the premises of its diplomatic mission, in respect of which article 22 of the Vienna Convention was invoked. The Court concluded that

the conditions required by its Statute for it to indicate provisional measures in respect of the building located at 42 avenue Foch in Paris had been met. It therefore indicated that France should, pending a final decision in the case, take all measures at its disposal to ensure that the premises presented as housing the diplomatic mission of Equatorial Guinea enjoy treatment equivalent to that required by article 22 of the Vienna Convention on Diplomatic Relations in order to ensure their inviolability.

On 19 April 2017, the Court handed down a second order for the indication of provisional measures in the case concerning *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)*. This case was instituted on 16 January 2017 by Ukraine against the Russian Federation with regard to alleged violation of the International Convention for the Suppression of the Financing of Terrorism and the International Convention on the Elimination of All Forms of Racial Discrimination (CERD).

With reference to the International Convention for the Suppression of the Financing of Terrorism, Ukraine contended that the Russian Federation, in violation of its obligations under that Convention, had failed to take appropriate measures to prevent the financing of terrorism in Ukraine by public and private actors on the territory of the Russian Federation and that it had repeatedly refused to investigate, prosecute or extradite offenders within its territory brought to its attention by Ukraine. With reference to CERD, Ukraine contended that the Russian Federation, in violation of its obligations under that Convention, had imposed on the Crimean peninsula "a regime of ethnic Russian dominance" and had engaged in systematic discrimination against the Crimean Tatars and ethnic Ukrainians in Crimea.

The Court's decision followed a request for the indication of provisional measures submitted by Ukraine, also on 16 January 2017. In its request, Ukraine stated that it was seeking to safeguard the rights it claimed under the two cited Conventions, pending the Court's decision on the merits. In its order, the Court first recalled that it was not called upon, for the purposes of its decision on the request for the indication of provisional measures, to establish the existence of breaches of the parties' obligations under either of these Conventions, but to determine whether the circumstances required the indication of provisional measures for the protection of rights. It stated that it was fully aware of the context in which the case had been brought before it, in particular the fighting taking place in large parts of eastern Ukraine and the destruction on 17 July 2014 of Malaysia Airlines Flight MH-17 while it was flying over Ukrainian territory en route between Amsterdam and Kuala Lumpur, which claimed a large number of lives. Nevertheless, the Court recalled that the case before it was limited in scope.

In respect of the events in the eastern part of its territory, Ukraine brought proceedings only under the International Convention for the Suppression of the Financing of Terrorism. With regard to the events in Crimea, Ukraine's claim was based solely upon CERD, and the Court was not called upon, as Ukraine expressly recognized, to rule on any issue other than allegations of racial discrimination made by it. Moreover, the Court reminded the parties that the Security Council, in its resolution 2202 (2015), had endorsed the "Package of measures for the Implementation of the Minsk Agreements", adopted and signed in Minsk on 12 February 2015. The Court said that it expected the parties, through individual and joint efforts, to work for the full implementation of this "Package of measures" in order to achieve a peaceful settlement of the conflict in the eastern regions of Ukraine.

The Court thereafter turned to the question of whether the jurisdictional clauses contained in the International Convention for the Suppression of the Financing of Terrorism and CERD conferred upon it *prima facie* jurisdiction to rule on the merits, enabling it — if the other necessary conditions were fulfilled — to indicate provisional measures. It considered that the evidence before it was sufficient to establish, *prima facie*, that the procedural preconditions for its being seized, set out in article 24, paragraph 1, of the International Convention for the Suppression of the Financing of Terrorism and in article 22 of CERD, had been met.

The Court then turned to the rights for which protection was sought and was of the view that the conditions required for the indication of provisional measures in respect of the rights alleged by Ukraine on the basis of the International Convention for the Suppression of the Financing of Terrorism had not been met. With regard to CERD, it considered that the conditions required by its Statute for it to indicate provisional measures were met. It therefore found that,

in order to protect the rights claimed by Ukraine with regard to the situation in Crimea, the Russian Federation should, in accordance with its obligations under CERD, first, refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the Mejlis, and, secondly, ensure the availability of education in the Ukrainian language. The Court added that both parties should refrain from any action that might aggravate or extend the dispute before it or make it more difficult to resolve.

A few weeks later, on 18 May 2017, the Court handed down a third order for the indication of provisional measures, in the *Jadhav Case* (*India v. Pakistan*). In this case, instituted on 8 May 2017, India alleges that Pakistan violated article 36 of the Vienna Convention on Consular Relations, of 24 April 1963, with respect to an Indian national, Mr. Jadhav, sentenced to death in Pakistan. The applicant contends that it had not been informed of Mr. Jadhav's detention until weeks after his arrest and that Pakistan failed to inform the accused of his rights. It further alleges that, in violation of the Vienna Convention, the authorities of Pakistan have been denying India its right of consular access to Mr. Jadhav, despite its repeated requests. The Court's order was made in response to a request for the indication of provisional measures, also filed on 8 May 2017.

In its request for the indication of provisional measures, India maintained that the alleged violation of the Vienna Convention by Pakistan

> "ha[d] prevented India from exercising its rights under the Convention and ha[d] deprived the Indian national from the protection accorded under the Convention".

It added that Mr. Jadhav

> "[would] be subjected to execution unless the Court indicate[d] provisional measures directing the Government of Pakistan to take all measures necessary to ensure that he [was] not executed until th[e] Court's decision on the merits"

of the case.

In its order, having found that it had *prima facie* jurisdiction under article I of the Optional Protocol to the Vienna Convention on Consular Relations, and having concluded that the conditions required by its Statute for it to indicate provisional measures had been met, the Court decided that Pakistan should take all measures at its disposal to ensure that Mr. Jadhav was not executed pending the final decision in these proceedings and should inform the Court of all the measures taken in implementation of said order. The Court also decided that, until it had given its final decision, it should remain seized of the matters which form the subject matter of said order.

(*spoke in French*)

I will turn to the new cases brought before the Court during the reporting period. In addition to the two cases just referred to — between Ukraine and the Russian Federation and between India and Pakistan — in which the Court issued orders on the indication of provisional measures, a further four sets of proceedings were instituted, three of which were contentious and one advisory.

First, on 16 January 2017, the Republic of Costa Rica instituted proceedings against the Republic of Nicaragua with regard to a dispute concerning the precise definition of the boundary in the area of Los Portillos/Harbor Head Lagoon and the establishment of a new military camp by Nicaragua on the beach of Isla Portillos. I would specify that, given the nature of the claims made by Costa Rica in these new proceedings and the close link between those claims and certain aspects of the dispute in the case concerning *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean* (*Costa Rica v. Nicaragua*), the Court decided to join the proceedings in the two cases on 2 February 2017. As I mentioned in my opening remarks, hearings were held at the start of July 2017, and this new case is currently under deliberation.

A second case was brought before the Court on 2 February. On that date, Malaysia filed an application for review of the judgment of the Court of 23 May 2008 in the case concerning *Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore)*. In its application, Malaysia contends that there is new evidence of such a nature as to have a decisive influence within the meaning of Article 61 of the Statute of the Court, which authorizes, under certain conditions, a State to request the revision of a judgment. Malaysia refers in particular to three documents found in the United Kingdom's national archives between 4 August 2016 and 30 January 2017. It states that these documents highlight new evidence, namely that,

> "officials at the highest levels in the British colonial and Singaporean administration appreciated that Pedra Branca/Pulau Batu Puteh did not form part of Singapore's sovereign territory"

during the relevant period. According to Malaysia, "the Court would have been bound to reach a different conclusion on the question of sovereignty over Pedra Branca/Pulau Batu Puteh had it been aware of this new evidence".

A few months later, on 30 June, Malaysia brought a new case before the Court by filing a request for interpretation of the judgment of the Court of 23 May 2008 in the case concerning *Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore)*. Malaysia bases its request for interpretation on Article 60 of the Statute of the Court, which provides that

> "[i]n the event of dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party".

Malaysia also bases its request on article 98 of the rules of the Court.

The applicant states that, "Malaysia and Singapore have attempted to implement the 2008 judgment through cooperative processes". To that end, Malaysia affirms that they have established a joint technical commission, responsible in particular for the delimitation of maritime boundaries between the territorial waters of the two countries. According to Malaysia, the work of this Committee culminated in a stalemate in November 2013. Malaysia further asserts that

> "one of the reasons for this stalemate is that the Parties were unable to agree on the meaning of the 2008 judgment in respect of South Ledge and the waters surrounding Pedra Branca/Pulau Batu Puteh".

To conclude this overview, I should mention the request for an advisory opinion presented by the Assembly in June 2017 on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965. From a procedural point of view, the Court has, as the Assembly is aware, decided in its order of 14 July 2017 that the United Nations and its Member States were likely to be able to furnish information on the question submitted to the Court for an advisory opinion. It fixed 30 January 2018 as the date of expiry of the period within which written submissions on the matter could be submitted to the Court, in accordance with Article 66, paragraph 2, of its Statute, and it fixed 16 April 2018 as the date of expiry of the period within which States or organizations having presented written statements to comment in writing on other written statements, in accordance with Article 66, paragraph 4, of the Statute.

I turn now to the requests for budgetary appropriations for the 2018–2020 biennium that the Court transmitted to the Assembly this year. The Court is fully aware of the budgetary constraints of the Organization and its Member States, and of the need for the United Nations as a whole and for the Court in particular to demonstrate the necessary fiscal discipline in this area. The appropriations requested by the Court this year, which represents a slight increase, meet the essential requirements for guaranteeing the good administration of international justice, thus fulfilling the mandate conferred to the Court by the Charter of the United Nations.

The budget of the Court represents less than 1 per cent of the regular budget of the Organization. In view of its prominent role and its ever-growing activity, the Court is undoubtedly a peaceful means of settling disputes and shows particularly exceptional cost-effectiveness. The Court is confident that it can count on the understanding and support of the Assembly in this regard.

In particular, the support of the Assembly will be needed to provide the Court with the means to implement an integrated management software package, known as Umoja, in the next biennium. This software package, which was designed to facilitate and simplify communication across all areas of work within the United Nations Secretariat, has been in use there since 2016. Revised estimates of the budgetary resources required for its implementation have been communicated to the Secretariat by the Court. The adoption of this software package — and the implications of such a project for the administration of the Court, given the small size and specific attributes of its Registry — has required a number of preliminary studies. As these have been successfully completed, the Court has been able to take the necessary decisions and is now ready to deploy Umoja under the best possible conditions.

This concludes the third statement that I have had the honour to address to the General Assembly as

President of the International Court of Justice. This seems to be a good time to mention the confidence the international community continues to have in the Court, which is seen in the submissions to it of a wide variety of disputes, each of them raising important legal questions that touch upon many fields of international law. Beyond the obvious role it has played — and continues to play — in consolidating and developing the law governing issues that might be qualified as standard, such as territorial and maritime boundaries, the Court is increasingly led to address issues that are central to the current concerns of the international community, such as, for example, those relating to the preservation of the environment.

The substantive issues that it is called upon to resolve are regularly accompanied by incidental proceedings that lead the Court to constantly dealing with several cases at the same time. The increase in the number of requests for the indication of provisional measures reveals that States do not hesitate to turn to the Court in a crisis situation, that is, when a risk of irreparable harm is likely to be caused to their rights. In such cases, the Court has mobilized all of its resources to provide a rapid response suitable for these urgent situations. Whatever the mission that States entrust to it, the Court always bears in mind its primary concern, which is to contribute to the maintenance of international peace and security through the application of the law.

(*spoke in English*)

I am grateful for the opportunity to address the General Assembly today, and I wish it every success at its seventy-second session.

The President: I thank the President of the International Court of Justice.

Mr. Boukadoum (Algeria): I have the honour to speak on behalf of the Group of African States.

The African Group will of course associate itself with the statement to be delivered shortly by the Permanent Representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement.

First of all, the African Group would like to thank the President of the International Court of Justice, Judge Ronny Abraham, for his presentation and also for his report (A/72/4). The African Group continues to consider the International Court of Justice to be the pre-eminent mechanism for the peaceful settlement of disputes at the international level. It should be kept in mind that the Court, as a court of justice and, moreover, the principal judicial organ of the United Nations, occupies a special position. Everything the Court does is aimed at promoting the rule of law. The World Court hands down judgments and gives advisory opinions in accordance with its Statute, which is an integral part of the Charter of the United Nations, and therefore contributes to the promotion and clarification of international law.

The African Group welcomes the reaffirmed confidence that States have shown in its ability to resolve their disputes. In particular, we are pleased to see that States continue to refer to their disputes to the International Court of Justice. We commend States for no longer limiting their referral of cases to matters of low-impact political significance and for referring disputes with weighty political issues to the Court. The number of cases currently pending on the Court docket is a reflection of the esteem in which States hold the International Court of Justice.

Notwithstanding the proliferation of international judicial dispute-settlement mechanisms on either a specialized or regional basis, the Court continues to attract a wide range of cases, covering many areas. While the Court's determination that there is an obligation to cooperate is based principally on treaty obligations, the Court also clearly draws upon general principles, particularly in making the link between procedural and substantive obligations.

The principle of prevention, enunciated in earlier Court decisions, notably the *Corfu Channel* case and in the advisory opinion on the *Legality of the Threat or Use of Nuclear Weapons*, is drawn upon significantly by the Court. As such, the African Group reaffirms the importance of the unanimous Court advisory opinion issued on 8 July 1996 on the *Legality of the Threat or Use of Nuclear Weapons*. In this decision, the International Court of Justice concluded that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control. The African Group attaches great importance to this matter because Africa is a nuclear-weapon-free zone.

After another two decades, the Court again had the opportunity to decide on issues pertaining to nuclear weapons. The African Group notes that the Court dismissed the three cases submitted by the Marshall

Islands on the *Obligations Concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands v. India)*. However, it is worth keeping in mind the closeness of the votes regarding these cases.

Mr. Llorentty Soliz (Plurinational State of Bolivia), Vice-President, took the Chair.

The African Group commends the efficiency and professionalism with which the Court has treated the request by the General Assembly, pursuant to its resolution 71/292, for an advisory opinion on the *Legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965*. Resolution 71/292 was adopted by an overwhelming majority, testifying the great interest that the membership of the United Nations attaches to the Court's opinion on the matter, which is an opinion that will assist the United Nations in its function in relation to decolonization. We renew our full confidence in the Court as the principal judiciary organ of the United Nations and in the respected judges of the Court.

I would like to conclude by saying that the importance of advisory opinions on legal questions referred to the International Court of Justice cannot be overstated in the pursuit of the peaceful settlement of disputes in accordance with the Charter of the United Nations. It is therefore very positive to note that during the period under review, one request for an advisory opinion was made.

Mr. Khoshroo (Islamic Republic of Iran): It is an honour to take the floor on behalf of the Non-Aligned Movement (NAM) on the occasion of the consideration of an agenda item to which we attach such great importance — the report of the International Court of Justice (A/72/4) — of which we take note.

At the outset, allow us to thank the President of the International Court of Justice for his presentation of the report to the General Assembly on the activities of the Court between 1 August 2016 and 31 July 2017, as requested by this body last year.

The Non-Aligned Movement reaffirms and underscores its principled positions concerning the peaceful settlement of disputes and non-use or threat of use of force. The International Court of Justice plays a significant role in promoting and encouraging the settlement of international disputes by peaceful means, as reflected in the Charter of the United Nations and in such a manner that international peace and security and justice are not endangered. The Movement endeavours to generate further progress to achieve full respect for international law and, in this regard, commends the role of the Court in promoting the peaceful settlement of international disputes in accordance with the relevant provisions of the Statute of the Court and the United Nations Charter, particularly Articles 33 and 94.

In relation to advisory opinions of the Court, having noted the fact that the Security Council has not sought any advisory opinion from the Court since 1970, the NAM urges the Security Council to make greater use of the International Court of Justice, the principal judicial organ of the United Nations, as a source of advisory opinions and for the interpretation of relevant norms of international law, as well as on controversial issues. The NAM further requests that the Council use the Court as a source of interpreting relevant international law and urges the Council to consider having its decisions reviewed by the Court, bearing in mind the need to ensure their adherence to the United Nations Charter and international law.

The Movement also invites the General Assembly, other organs of the United Nations and the specialized agencies duly authorized to do so to request advisory opinions of the International Court of Justice on legal questions arising in the scope of their activities. Moreover, the States members of the Movement reaffirm the importance of the Court's unanimous advisory opinion issued on 8 July 1996 on the *Legality of the threat or use of nuclear weapons*, in which the Court concluded that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all aspects under strict and effective international control.

In conclusion, the Non-Aligned Movement continues to call on Israel, the occupying Power, to fully respect the Court's advisory opinion of 9 July 2004, entitled *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, and calls upon all States to respect and ensure respect for the provisions therein for the realization of the end of the Israeli occupation that began in 1967 and for the independence of the State of Palestine with East Jerusalem as its capital.

Mr. Kessel (Canada): I have the honour to speak today on behalf of Australia and New Zealand, as well as my own country, Canada.

On behalf of Canada, Australia and New Zealand (CANZ), I would like to thank the President of the International Court of Justice, Judge Ronny Abraham, for his report on the work of the Court over the past year (A/72/4). As countries that firmly believe that the rule of law is the foundation of the international system and that the peaceful settlement of disputes is essential to international peace and security, CANZ countries have always been strong supporters of the International Court of Justice and maintain ongoing respect for the work of the Court. Of course, the subsequent implementation of a ruling by the Court is essential if the final resolution of a dispute is to be ensured.

One of the primary goals of the United Nations, as stated in the Preamble to the Charter of the United Nations, is to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained. The International Court of Justice, as the principal judicial organ of the United Nations and the only international court with general international law jurisdiction, is uniquely placed to further this goal.

As the Court's report records, disputes have been submitted to it by a variety of States from many regions. This diversity, together with the wide-ranging, significant and complex subject matter under deliberation and pending before the Court, bears testament to the importance that Member States attribute to the role of the Court in resolving international disputes. Indeed, we underline that the willingness of States to turn to the Court to resolve differences of views must be welcomed as an important means of ensuring the peaceful settlement of disputes.

Our confidence in the Court is reflected in our acceptance of the Court's compulsory jurisdiction. CANZ believes that wider acceptance of the compulsory jurisdiction of the Court would enable it to fulfil its role more effectively, by reducing jurisdictional disputes, thus allowing the Court to move more quickly to focus its attention on the substance of disputes. In line with resolution 68/116, we continue to urge Member States that have not done so to deposit with the Secretary-General a declaration of acceptance of the Court's compulsory jurisdiction.

(*spoke in French*)

We look forward to the contributions of the new and re-elected judges that the General Assembly and Security Council will be choosing this year for the International Court of Justice. We take this opportunity to thank the members of the Court for their dedication and commitment to this institution. Canada, Australia and New Zealand would also like to express their appreciation in particular to Judge and Vice-President Abdulqawi Ahmed Yusuf, as well as Judge and President Ronny Abraham, for their contribution towards the interpretation and development of international law in recent years.

We expect that the Court's programme of work in the year ahead will remain full as States continue to demonstrate their confidence in the Court. We are aware that the Court's caseload continues to be demanding and are grateful for its contribution to the peaceful settlement of disputes.

Mr. Vieira (Brazil): It is my honour to deliver this statement on behalf of Angola, Cabo Verde, Guinea-Bissau, Equatorial Guinea, Mozambique, Portugal, Sao Tome and Principe, Timor-Leste and my own country, Brazil — all States members of the Community of Portuguese-speaking Countries (CPLP).

I would like to begin by expressing our gratitude to the President of the International Court of Justice, Judge Ronny Abraham, for his thorough report on the Court's work for the judicial year 2016-2017 (A/72/4).

The International Court of Justice is the only international court of a universal character with general jurisdiction. The Court holds important responsibilities in the international community as it plays a fundamental role in the judicial settlement of disputes between States and in strengthening of the international rule of law at the level. Furthermore, such a role enables it to play another very particular role, which is to help prevent disputes between States erupting into violence.

The Court's crucial function in the international legal system is becoming increasingly recognized and accepted. All States Members of the United Nations are parties to the Statute of the Court, and 73 of them have recognized its jurisdiction as compulsory. Moreover, approximately 300 bilateral and multilateral treaties provide for the Court to have jurisdiction over the resolution of disputes arising out of their application or interpretation. The heavy workload and the wide range of subjects that the Court has ruled on confirm its success. It must be noted that the Court's cases come from all over the world, relate to a great variety of matters and have high levels of factual and legal complexity. This reaffirms the universality of the

Court, the expansion of the scope of its work and its growing specialization.

The Court is making an impressive effort to cope with the very demanding level of activity. However, it is important for Member States to acknowledge the Court's need for adequate resources.

The Court has often recalled that everything it does is aimed at promoting the rule of law. That is indeed so. It is worth reiterating the outstanding contribution that the International Court of Justice has made to the development of international law. In that regard, we should also stress that, although the International Court of Justice is a main player in the international judicial area, there are other international courts and tribunals whose significance should be emphasized. The CPLP member States strongly believe that all such courts should cooperate with a view to enhancing the international legal order through dialogue and cross-fertilization.

We acknowledge that tension frequently exists between law and power. It is sometimes hard to balance States' obligation to settle their disputes peacefully and the need for sovereign consent in order to resort to such mechanisms. However, it is our firm belief that the Court is an institutional pillar of international society. The CPLP member States are confident that the Court will continue to overcome the growing challenges that it is bound to face. Such challenges are a good sign. They mean that States have confidence that the Court will help to settle their disputes and strengthen the international rule of law in bending towards justice and peace.

I would now like to make some comments in my national capacity.

Both Secretary-General Guterres and the President of the General Assembly have underscored the need for the United Nations to focus on prevention, which is linked to the peaceful settlement of disputes. The Court is at the core of those efforts, for it is more than just another body listed in Chapter VI of the Charter of the United Nations. It is the main judicial organ of the United Nations and the only international court of a universal character with general jurisdiction. For more than 70 years, it has helped to crystallize and clarify international law in areas as diverse as the law of the sea, human rights, treaty interpretation and the use of force, to name only a few. Through its judgments and advisory opinions, it has upheld the principles of the Charter and contributed to ensuring the primacy of law in international affairs.

The Court's most recent report is yet another chapter in its auspicious history, with details of four judgments, 14 orders and six new proceedings, including one request for an advisory opinion from the General Assembly. The high level of activity, diverse geographic spread of cases and variety of subject matter demonstrate the Court's renewed vitality and its universal role in promoting justice. It also reminds us of the heavy demands placed on the Court and of the efforts it has been making to keep up with its increasing workload.

We are proud to have contributed to that process throughout the Court's history with highly qualified Brazilian judges. I would like to take this opportunity to pay tribute to their work in the cause of justice, a tradition currently honoured by Judge Antônio Augusto Cançado Trindade. Brazil has decided to present his candidacy for re-election, reflecting both our faith in the future role of the Court and our faith in Judge Trindade's work in strengthening the Court and international law.

Brazil also welcomes the Court's outreach efforts, which bring it closer to a variety of audiences and thereby help to disseminate international law. We note with satisfaction the redesign of the Court's website and its compatibility with international accessibility standards.

In conclusion, I would like to reaffirm Brazil's unwavering support for the Court and its pivotal role in strengthening the rule of law at the international level. We believe that the Court will continue to play a key role in promoting a culture of peace, tolerance and justice and thereby advancing the higher goals of the United Nations.

Ms. Varga (Hungary): On behalf of the Visegrád 4 Group — the Czech Republic, Poland, Slovakia and my own country, Hungary, I would like to thank the President of the International Court of Justice, Judge Ronny Abraham, for presenting the Court's report for the year 2016-2017 (A/72/4). I have the honour to present the position of the Visegrád countries with respect to the Court's report.

Today the question of the peaceful settlement of international disputes is as timely as ever. The principle of the peaceful settlement of disputes between States

is enshrined in the Charter of the United Nations and, among other things, was reaffirmed in 1982 in the Manila Declaration on the Peaceful Settlement of International Disputes. Strict observance of that principle is a prerequisite for the maintenance of international peace and security. The Visegrád Group is a staunch supporter of the International Court of Justice, the principal judicial organ of the United Nations, which has contributed to the maintenance of international peace and security for more than 72 years by rendering justice for States.

Turning to the subject of the cases before the Court in the period from 2016 to 2017, we note with appreciation that the Court has closed a busy year. Besides having received a request from the General Assembly for an advisory opinion, in accordance with Article 65 of the Statute of the Court, it has 19 contentious cases pending on its agenda. The Court's recent cases have given it a unique opportunity to elaborate on questions of international law on a wide range of issues, including territorial and maritime disputes, the application of certain treaty obligations, the use of force and the protection of the environment. The variety of the Court's work is a testimony to its comprehensive character and the crucial role it plays in upholding and developing international law. The pending cases concern disputes between States from almost all continents, showing that the efforts to promote the Court's global role as an effective forum for the peaceful settlement of disputes have been successful. A regular debate at the Committee of Legal Advisers on Public International Law of the Council of Europe is part of that process.

Let me now turn to the issue of the jurisdiction of the Court. The Visegrád Group is of the view that making full use of the means available for establishing the basis of the Court's jurisdiction is a primary objective, as it increases the likelihood that States will submit their legal disputes to it. We therefore encourage States and international organizations to continue including provisions in future multilateral treaties that could serve as a basis for the Court's jurisdiction in cases of disputes concerning the application or interpretation of the treaty in question. In that context, we would also encourage States to refrain from making reservations to clauses of multilateral treaties that provide for the Court's compulsory jurisdiction.

The Visegrád Group believes that the Court can succeed only if States are committed to respecting the Court's decisions as well as relying on its expertise. Taking into account the fact that the Court has a unique role in the architecture of the peaceful settlement of disputes and in the interpretation and application of international law, we would like to reiterate that compliance with the Court's decisions, judgments and orders is a fundamental prerequisite for the effectiveness of the system of international justice.

Mr. Meza-Cuadra (Peru) (*spoke in Spanish*): Peru welcomes the annual report of the International Court of Justice to the General Assembly (A/72/4) on its work during the period from 1 August 2016 to 31 July 2017.

I would like to begin by emphasizing the fundamental role played by the International Court of Justice, the principal judicial organ of the United Nations, in the system for the peaceful settlement of disputes established in the Charter of the United Nations. Its work is an essential contribution to the promotion of the rule of law at the international level. We would like to recall that in addition to that valuable function, in accordance with Article 96 of the Charter, the Court can issue advisory opinions at the request of the General Assembly, the Security Council and other authorized bodies and specialized organs of the United Nations. Those are the Court's two areas of responsibility. Through its judgments and opinions, it helps to promote and clarify the scope of international law as a true path to peace. Accordingly, my delegation would like to point out that the General Assembly has once again urged States that have not yet done so to consider recognizing the Court's jurisdiction, in accordance with Article 36, paragraph 2, of its Statute, as Peru and 72 other States have done.

My delegation would like to acknowledge the work done by the Court's eminent judges, particularly the President and the Vice-President, as well as the ad hoc Judges. We would also like to put on record our recognition of the valuable and diligent efforts of the Registry of the Court, particularly the Registrar and the Deputy Registrar. In that context, we call on the Assembly to continue to carefully consider the needs of the Court.

The Court's sustained level of activity is an expression of the prestige that this principal judicial organ of the United Nations enjoys, a prestige that is also reflected in the diverse geographical distribution of the cases it hears, which affirms the universal nature of its jurisdiction. Several of those cases, such as that of

a few years ago involving Peru and Chile, are between Latin American States. In that regard, considering the upcoming elections of judges and the provisions of Article 9 of the Court's Statute, Peru would like to highlight the importance of ensuring the presence on the Court of Latin Americans, so that the principal legal systems of the world are duly represented on its bench.

The level of activity of the International Court of Justice requires that it continually consider ways to adapt its working methods to respond to the procedural burden and complexities of the cases before it. We would once again like to reiterate our appreciation to the host State, the Kingdom of the Netherlands, for its ongoing commitment and support to the work of the Court. At the same time, we want to emphasize the importance of cooperation between the Court and the other principal organs of the Organization, based in New York. In that regard, my delegation encourages the good relations between the Court and the Security Council, of which Peru will be a non-permanent member starting in 2018.

I would like to conclude my statement by once again highlighting how profoundly important we believe the work of the International Court of Justice to be, as well as our recognition of its continuing valuable contribution to maintaining international peace and justice and effectively implementing the principle of the peaceful settlement of disputes between States.

Mr. Gafoor (Singapore): My delegation would like to start by thanking President Ronny Abraham for his comprehensive presentation of the activities of the International Court of Justice over the past year. Under the able stewardship of Judge Abraham and Vice-President Abdulqawi Ahmed Yusuf, the Court continues to maintain the highest standards in discharging its vital duties as the principal judicial organ of the United Nations.

Singapore notes the Court's demanding caseload and the continuing diversity of the regions and subject matter represented by the 17 cases pending on its list at the end of the period under review. The list includes two cases involving Singapore that were referred to the Court by Malaysia and pertain to the Court's 2008 judgment in the case concerning sovereignty over Pedra Branca, Middle Rocks and South Ledge.

Singapore believes in a stable and peaceful international order based on the rule of law. The international rule of law is an essential premise for ensuring the validity of the purposes and principles of the United Nations, including the maintenance of international peace and security and the preservation of friendly relations among States. When the Court exercises its advisory jurisdiction, it provides guidance on important issues of international law. When it exercises its contentious jurisdiction, it fulfils a key function in facilitating the obligation to settle disputes peacefully under Article 33 of the Charter of the United Nations. In that regard, Singapore reiterates its commitment to the peaceful resolution of disputes, including those brought before the Court.

Turning to the work of the Court during the period under review, Singapore welcomes its continuing drive to innovate and ensure that its procedures respond to the needs of the parties coming before the Court. In that regard, Singapore noted with interest the Court's appointment of two experts in the exercise of its power under article 50 of its Statute and appreciates the fact that the experts' report has been made available on the Court's website. In that context, Singapore also welcomes the Court's special effort to redesign its website in order to enhance its usability and thereby improve the reach of its jurisprudence.

In closing, Singapore reaffirms its strong support for the work of the Court, which plays a vital role in the international rule of law. We wish it every success in meeting its future challenges and discharging its duties in the year ahead.

Mr. Mikami (Japan): At the outset, I would like to thank Judge Ronny Abraham, President of the International Court of Justice, for his dedication and leadership, as well as for his in-depth and comprehensive report on the work of the Court (A/72/4). I would also like to express my deep appreciation and support for the achievements of the Court during the reporting period.

I would like to commend the International Court of Justice for the important role that it has played over the past 71 years in the peaceful settlement of international disputes and the promotion of the rule of law. As the principal judicial organ of the United Nations, the Court has delivered many important judgments and advisory opinions since its creation in 1946, taking on a diverse range of cases requiring thorough legal examination. The Court is dealing with an increasing demand for legal solutions and opinions on complex legal and factual questions. We believe that the dedication and legal wisdom of the International Court of Justice will continue to attract the respect

and support of all Member States. During this decade, an average of three or four cases per year have been brought before the Court, and 17 are currently pending. That is in stark contrast to the Cold War period. The current figure demonstrates a positive trend in which countries are increasingly turning to the Court for the peaceful settlement of disputes.

The rule of law and peaceful settlement of international disputes provide an essential foundation for any society and are fundamental principles of Japan's foreign policy. Japan became a State party to the Statute of the Court in 1954, two years before it joined the United Nations, and has accepted the Court's compulsory jurisdiction since 1958. We recently had the honour to welcome President Abraham and Mr. Philippe Couvreur, the Registrar of the Court, to Japan this year. They shared their wisdom at lectures and meetings on the rule of law in the international community, which helped deepen understanding of the International Court of Justice and its importance among academics and practitioners in Japan. Japan shares the President's view, expressed during his lecture in Tokyo, that

> "two of the core requirements of a legal system based on the rule of law are consistency and predictability, both of the law itself whether substantive or procedural, and of the judicial decisions".

The international community today enjoys the benefit of numerous peaceful ways to settle disputes other than the Court, such as the International Tribunal for the Law of the Sea, arbitral tribunals, international investment tribunals and the dispute-settlement system of the World Trade Organization. Japan welcomes the current trend whereby States utilize such peaceful means for settling disputes as appropriate. At the same time, given the increasing diversity of ways to achieve peaceful settlements, Japan would like to encourage international courts and tribunals to make efforts to ensure the consistency of the jurisprudence of respective courts and tribunals and thereby avoiding the possible fragmentation of international law. As President Abraham also stated in his lecture in Tokyo, the consistency of international law has

> "been guaranteed by the persistent awareness of the Court of the decisions of other judicial bodies, and the reference it has made to such decisions, when appropriate, in its own judgments".

As I said at the outset, Japan has always accepted the compulsory jurisdiction of the Court. Japan joins other Member States in welcoming Equatorial Guinea's acceptance in August of the Court's compulsory jurisdiction, making it the seventy-third country to do so. In order to encourage other States to follow suit, it is important for the Court to accumulate good, solid judgments and advisory opinions that enjoy the confidence of States. I hope the Court will continue to make its best efforts tos achieve that objective.

Finally, I would like to reiterate our unwavering support for the Court. We believe firmly that it will continue to make a significant contribution to clarifying international law and thereby strengthening the rule of law.

Mr. Castro Cordoba (Costa Rica) (*spoke in Spanish*): We are grateful to President Abraham for his report (A/72/4), and it is an honour for me to participate once again in the General Assembly's annual meeting to consider the report of the International Court of Justice, the only international tribunal of a universal nature that enjoys general jurisdiction and the principal judicial body of the United Nations.

The Court's workload during the reporting period was again very heavy, with four judgments and 14 orders handed down. We are also aware that there are 19 contentious cases and an advisory opinion pending. The Court has held public hearings in five cases and accepted six new ones. We have taken particular notice of the fact that there are cases from four different continents, all of them diverse in nature. That testifies to the Court's universal nature and the importance that the States Members of the United Nations attach to its decisions, as well as to the fundamental peacekeeping role that it plays.

The peaceful settlement of international disputes is a fundamental purpose of the United Nations. This is why the Court's role in the maintenance of international peace and security and the promotion of the rule of law at the international level is key, and why it is therefore the responsibility of the United Nations and Member States to support it in fulfilling its tasks. Through its support, the Organization must ensure that the Court can continue to effectively and objectively address the cases submitted for its consideration in absolute legal and procedural independence and that it has the budgetary resources necessary for the fulfilment of its mandate. In that regard, my delegation was pleased that the General Assembly authorized additional budgetary resources that enabled the Court

to conduct two field inspections in a case to which my country is a party, which certainly ensured the Court's better understanding of the arguments presented by both parties.

Costa Rica sees international law, especially in the International Court of Justice, and with regard to the rule of law at the international level, as the tools that we need to endure. In our view, the compliance of all States with their international obligations vis-à-vis others, including by fully respecting and complying in good faith with the Court's decisions, is fundamental to ensuring justice and peace. That is why we insist on ensuring that the Organization considers options for following up on judicial decisions, in order to avoid situations of non-compliance that violate the rule of law.

The International Court of Justice plays a key role in the promotion and elaboration of the rule of law at the international level. It exercises that function not only through its advisory opinions and judgments but also through its various academic and publicity activities, and through easy access to its decisions via its electronic portal. In that regard, we are particularly pleased to note the Court's efforts to show a special interest in young people, promoting their exposure to international law through internship programmes. We also highlight once again the role that the Court can play in achieving the Sustainable Development Goals as a body that has succeeded in preventing the use of force, defending peoples' right to self-determination, advocating the preservation of the environment and recognizing and avoiding potential violations of human rights.

My delegation accepted the Court's compulsory jurisdiction in 1973 and respectfully urges States that have not yet done so to consider using the mechanism provided in Article 36 of the Statute of the Court to accept its jurisdiction. We firmly believe that the Court will continue to work diligently in order to resolve the disputes submitted to it fairly and impartially, in accordance with the mandate entrusted to it by States through the Charter of the United Nations. In that regard, and in keeping with our traditional respect for the instruments of international law and the rule of law, my country reiterates its commitment to faithfully abiding by all the decisions of the Court, reaffirming our full confidence that the Court will continue to strengthen peace and justice through the objective fulfilment of its mission.

Mrs. Orosan (Romania): We have witnessed yet another year of intensive activity on the part of the International Court of Justice. On behalf of my delegation, I would like to thank the President of the Court for presenting its annual report (A/72/4), which gives us an insightful overview of this most valuable work. We are grateful to the Court for its diligence, and we wish to express our thanks to the President and the members of the Court, as well as the Registry, for dealing with a very demanding schedule while maintaining the highest standards of professionalism and impartiality.

It seems that the international legal order is being increasingly tested nowadays, with challenges coming from many corners. Some of them are the result of States' conduct, while others are based on developments and processes that require an analysis of how they might fit within the existing norms of international law or whether the existing law might have to be adjusted in order to deal with them. In that context, we look to the Court as one of the pillars of the supremacy of the rule of law in international relations. By settling disputes between States and clarifying and refining the norms of international law, the Court makes an enormous contribution to world peace and stability. Many disputes can be halted in their tracks by the Court through a judicious application of the norms of international law. The Court must remain a sought-after tool for resolving international disputes, and for that it has to maintain top-quality judicial work and be fully supported by the States.

The Court's current docket is indicative of the role it plays in the peaceful resolution of international disagreements, as it is called on to settle extremely complex disagreements that are significant not just for the parties directly concerned but for the international community as a whole. We therefore contend that in order for the Court to discharge its role, it needs the strong support of States, including in terms of ensuring that it has adequate financial resources.

As a State that the Court has been seized of in the past, in a maritime boundary case, and that has subsequently accepted the compulsory jurisdiction of the Court, Romania is well placed to express its deep appreciation for the Court's effectiveness and fairness. We commend the world's most important judicial body for its efforts to consolidate the rule of law at the international level. In that context, we call on all States to follow a rules-based approach in their foreign

relations and especially to work to settle any disputes between them exclusively by peaceful means and in accordance with international law.

Ms. Hioureas (Cyprus): It is a privilege to address the General Assembly on the International Court of Justice's report (A/72/4). We are grateful to Judge Ronny Abraham for his introduction of the report and his insightful remarks on the work and functioning of the Court.

During the period under review, the International Court of Justice once again experienced a particularly high level of activity. It issued decisions in four cases, and by the end of the period under review, its list of cases reached 17. That consistently high workload demonstrates the confidence placed in the Court and the respect shown to it by States. That trust is echoed in resolution 71/146, in which the General Assembly emphasized

> "the important role of the International Court of Justice, the principal judicial organ of the United Nations, in adjudicating disputes among States and the value of its work, as well as the importance of having recourse to the Court in the peaceful settlement of disputes" (*para. 8*)

and also recalled that

> "consistent with Article 96 of the Charter, the Court's advisory jurisdiction may be requested by the General Assembly, the Security Council or other authorized organs of the United Nations and the specialized agencies" (*ibid.*).

The profound respect of the Republic of Cyprus for the remarkable achievements of the International Court of Justice was demonstrated by its presentation of a gift to the Court, in a ceremony that took place in The Hague on 18 November 2016, of a replica of a limestone head found at the sanctuary of Aphrodite in Arsos, Cyprus, officially presented to Judge Ronny Abraham by Ambassador Alexandros Zenon, Permanent Secretary of the Ministry for Foreign Affairs of the Republic of Cyprus.

The Republic of Cyprus is one of 72 States that have made a declaration recognizing the compulsory jurisdiction of the Court, as contemplated by Article 36, paragraphs 2 and 5, of the Statute. The Court's jurisdiction is further complemented by the more than 3,000 bilateral or multilateral treaties or conventions, which provide the Court with jurisdiction *ratione materiae* in the resolution of various types of disputes. We would like to take this opportunity to call on States to recognize the jurisdiction of the Court, in accordance with Article 36 of the Statute, thereby promoting and facilitating the International Court of Justice's ability to maintain and promote the rule of law throughout the world.

Mr. Alabrune (France) (*spoke in French*): The French delegation would like to thank the President of the International Court of Justice, Judge Ronny Abraham, for his briefing on the International Court of Justice's report on its activities (A/72/4). The report is particularly useful to the Assembly and the States Members of the United Nations, as it testifies to its importance in the peaceful settlement of disputes between States. I would like to take this opportunity to reaffirm France's commitment to the Court as the principal judicial organ of the United Nations.

As its list of cases underscores, the Court has seen an increase in its activities in recent decades. Since the publication of last year's report (A/71/4), six new cases have been brought before the Court. That is a testament to the confidence that States have in the Court and their belief that its decision will encourage peaceful relations. While the Court's judgments are enforced based on the authority of the subject at hand, it is the high quality of the Court's decisions that strengthens respect and compliance with its judgments. The references to the jurisprudence of the Court by other international jurisdictions attest to that. Both the representation of the world's principal legal systems within the membership of the Court and the use of its two official languages make an enormous contribution to improving the quality of its decisions.

I would also like to take this opportunity on behalf of France to express to the Court, the Judges, the Registrar and the Court's entire staff our profound gratitude for their outstanding work.

Mr. Koch (Germany) (*spoke in French*): At the outset, on behalf of the German delegation, I would like to warmly thank Judge Ronny Abraham, President of the International Court of Justice, for his detailed presentation on the work of the International Court of Justice. We would also like to thank all the Judges and staff of the Court for their tireless efforts in the service of international law. This year we will hold elections for one third of the membership of the Court, which is also clearly a key factor in its success. We firmly believe

that ensuring that the world's diverse legal systems, cultures and languages are represented in the Court's composition contributes significantly to the quality and full acceptance of its work.

(*spoke in English*)

I would like to highlight a few additional points of particular importance.

First, the consent of States remains the indispensable foundation on which the jurisdiction of the International Court of Justice is based. In that regard, in 2008 Germany gave its consent, in the form of a declaration under Article 36, paragraph 2, of the Statute of the Court, recognizing the Court's jurisdiction as compulsory. Like previous speakers today, we encourage other States to do so as well. When States submit to the Court's jurisdiction, they must respect and comply with its decisions. That is true not only for the International Court of Justice, but also for other international courts and tribunals, and it refers both to decisions regarding the merits of a case and decisions on jurisdictions. Conversely, it is still crucial to recognize that without consent, parties cannot be subject to the jurisdiction of the Court. Any deviation from that principle would gravely endanger the acceptance of the Court's role and ultimately compromise its effectiveness as a whole.

However, the International Court of Justice has a particular role in that regard, because it has a dual jurisdiction. Besides its jurisdiction in contentious cases, it gives advisory opinions on legal questions at the request of organs of the United Nations, particularly the General Assembly. But we must not blur the line between those two functions. The International Court of Justice should not admit attempts to make what is essentially a dispute between two States into an abstract question of law.

Secondly, I would like to highlight an issue that some describe as the fragmentation of mechanisms for the resolution of international disputes. Today, the international community benefits not only from the International Court of Justice as a means for the peaceful settlement of disputes, but also from other instruments such as the Permanent Court of Arbitration and the International Tribunal for the Law of the Sea. I encourage States and courts to welcome such diversification, as it promotes a sensible division of labour and provides for options that meet the specific requirements of individual disputes and interests.

(*spoke in French*)

In conclusion, the report on the Court's activities (A/72/4) gives an impressive overview of its ever-increasing workload during the past few years. I believe that we should welcome this development, which is indicative of States' growing acceptance of the role that the Court plays in the peaceful settlement of disputes in the field of international law. We call on all States to support the Court and its work, as Germany has always done and will continue to do without fail.

Mr. Locsin (Philippines): We align ourselves with the statement delivered earlier on behalf of the Movement of Non-Aligned Countries by the representative of the Islamic Republic of Iran.

The United Nations was established in the wake of the two cruellest wars in history. The League of Nations was an ambitious attempt to unite the world's Powers for peace after the First World War, but it failed. After the unimaginably greater horrors of the Second World War, the United Nations was founded. Its founding purpose was therefore to maintain international peace and security and prevent any repetition of the horrors that made both world wars so infamous. We all have the duty to work to bring about those ends by peaceful means, and to achieve the adjustment and settlement of international disputes and situations that might lead to conflict in accordance with the principles of justice and international law.

Judicial settlement is a uniquely cost-effective mode for the peaceful settlement of disputes, while the cost of the alternatives is incalculable. No price can be put on lost and shattered lives. Well into its eighth decade, the International Court of Justice has become firmly established at the centre of the international rule of law and the peaceful settlement of disputes. History has confirmed it and the General Assembly has recognized it time and again. The Philippines reaffirms its confidence in the Court and extends warm greetings to the entire team in The Hague, led by President Ronny Abraham, whom we also thank for his comprehensive report on the work of the Court (A/72/4) over the past year.

Five years ago, the General Assembly also affirmed the Court's essential contribution to the rule of law in paragraph 31 of the Declaration on the Rule of Law at the National and International Levels (resolution 67/1). The Manila Declaration on the Peaceful Settlement of International Disputes, adopted by the Assembly

in 1982, was the first comprehensive plan and consolidation of the legal framework for the peaceful settlement of international disputes, building on the Charter of the United Nations. It affirms the principle of judicial settlement and the central role of the Court.

The Philippines would like to believe that the Manila Declaration gave impetus to the Court's increased activity in the 1980s and up to the present day. That may be no coincidence. The increasing confidence of Member States, especially developing countries, in the Court's integrity, impartiality and independence is not unrelated to the norms, values and aspirations articulated in the Manila Declaration, the most fundamental of which is the principle of the non-use or threat of use of force.

The Court is the only forum for resolving justiciable disputes between States across the vast field of general international law. In the period under review the Court has been seized of 17 cases, ranging from territorial and maritime disputes, environmental damage and the conservation of living resources to nuclear disarmament and human rights, consular rights, the immunities of States and their representatives and the interpretation and application of international treaties and conventions. Such varied subject matter, along with the diverse geographical spread of the Court's cases, is a testament to the Court's position as the only international court of universal character with general jurisdiction. However, of the 193 States parties to the Statute of the Court, only 72 States, including the Philippines — a little more than a third — have made a declaration recognizing the jurisdiction of the Court as compulsory. That is why we reiterate our call to the Security Council to consider Article 96 of the Charter of the United Nations more seriously and to make greater use of the Court as a source of advisory opinions and for the interpretation of relevant norms of international law. The Security Council can take a leaf out of the General Assembly's book, which, through resolution 71/292, has requested the Court's advisory opinion on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965.

The Philippines reaffirms the importance of the unanimous advisory opinion of the International Court of Justice of 8 July 1996 on the *Legality of the threat or use of nuclear weapons*. The Court concluded that there is an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all aspects under strict and effective international control.

The Philippines supports the Court's efforts to continually adapt its working methods in response to its increased workload and to publicize its decisions, including through multimedia platforms and the Internet. We must help the Court reach out and work with young people from various backgrounds and in various venues, so as to internalize and entrench universal norms of conduct in individuals and States, until seeing that justice is done, and keeping the peace, become reflexive actions — as for so many centuries their opposites have been in humankind's sad history.

On that note, the Assembly can continue to count on the Philippines as a strong supporter of the International Court of Justice.

Mr. Troncoso Repetto (Chile) (*spoke in Spanish*): I would like to convey my country's greetings to the President of the International Court of Justice, Judge Ronny Abraham, who has provided us with a comprehensive report (A/72/4) for the period from 1 August 2016 to 31 July 2017. It indicates that the Court has done intensive work over the reporting period, addressing increasingly varied issues, which is a challenge and an opportunity for reaffirming the role of international law in relations among States and the values it should promote and protect. We commend the updating of the Court's website, which gives users a broader and more comprehensive acquaintance with its activities.

The cases currently before the Court deal with very diverse matters that encompass, among other things, territorial and maritime issues, consular law, human rights, international liability and reparation of damages and the immunity of States and their representatives and property, all of which require skilled interpretation and application of the sources described in Article 38 of its Statute.

Through its decisions, the Court, as the principal judicial organ of the United Nations, performs a vital role in support of the validity and effectiveness of international law. Moreover, it generates valuable case law that contributes to better knowledge and determination of applicable international law. The Court has thus become an essential organ in the functioning of an international legal order that is called on to foster peaceful coexistence among peoples, prevent conflicts and promote confidence in a universally respected

legal order. We appreciate the International Court of Justice's lofty responsibilities, mission and work, which reflect the pre-eminence of international law. For States to accept the jurisdiction of the Court, it is crucial to ensure their confidence that it is carrying out its work according to the highest standards of integrity, impartiality and independence, in the context of international law and in accordance with the principles enshrined in the Charter of the United Nations for guaranteeing peaceful coexistence among States.

As the Assembly is aware, my country is currently a party to two cases whose proceedings are before the International Court of Justice and that have required special attention. As we participate in them, we reaffirm our commitment to international law and peaceful relations among States. As we have repeatedly stated, one of the central principles guiding Chile's foreign policy is the peaceful settlement of international disputes, together with the principle of the importance of respect for international treaties as an expression of consent governed by international law. The strict observance of treaties, their implementation in good faith and their stability over time are essential conditions for peaceful relations among nations.

Chile has total faith in the application of international law in relations with other States. That commitment compels us all to respect the fundamental principles of coexistence among States and to refrain from engaging in conduct that could affect the normal development of those relations. That is particularly relevant in situations where the International Court of Justice is conducting proceedings on specific cases. We should also remember that once a case has been referred to the Court, the Court alone has competence to address it. It is not acceptable for an issue that is sub judice to be referred simultaneously to bodies or forums of a political nature.

We join others in their expressions of respect and support for the Court as the principal judicial organ of the United Nations system, and trust that the Organization will continue to furnish it with the human and material resources that its judicial mandate and important functions require.

Mrs. Mangklatanakul (Thailand): The Kingdom of Thailand aligns itself with the statement delivered earlier by the Permanent Representative of the Islamic Republic of Iran on behalf of the Movement of Non-Aligned Countries.

My delegation would like to express its appreciation to Judge Ronny Abraham for his comprehensive report (A/72/4) on the activities of the International Court of Justice in the past year. Thailand would like to affirm its full confidence in the Court, the principal judicial organ of the United Nations, in its efforts to safeguard the purposes and principles of the Charter of the United Nations and maintain international peace and security.

The diversity and complexity of the cases submitted to the International Court of Justice add tremendously to the Court's indispensable role and contribution, through its judgments and advisory opinions, to the peaceful settlement of disputes and the advancement of the rule of law and beyond. Moreover, we cannot overemphasize the extent to which the Court plays a significant part in the progressive development of international law by clarifying and amplifying it and by promoting a greater understanding of it at every level.

We follow the work of the International Court of Justice closely and with great interest. In this respect, Thailand wishes to congratulate the Court for providing another layer of predictability in international relations by clarifying the substantive customary international law codified in the Vienna Convention on the Law of Treaties with regard to the validity and interpretation of treaties. In particular, in its judgment rendered on 2 February 2017 in the case *Maritime Delimitation in the Indian Ocean* (*Somalia v. Kenya*), the Court ruled on the legal status and objectives of the 2009 Memorandum of Understanding between the two countries.

With regard to the case *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament* (*Marshall Islands v. India*), we note that the Court ruled that it had no jurisdiction in the absence of a dispute between the parties. However, my delegation is of the view that the Court missed a great opportunity to express its views and provide greater certainty and predictability by interpreting article VI of the Treaty on the Non-Proliferation of Nuclear Weapons in a binding manner, which is still very much needed today. Furthermore, Thailand is interested in the question raised by the International Court of Justice in this case as to whether or not votes cast by Member States on draft resolutions before such political organs as the General Assembly can be construed to indicate or imply the existence of a legal dispute between parties. We believe that this question needs further attention and deliberation.

Thailand wishes to encourage the General Assembly, the Security Council and other organs, including the specialized agencies of the United Nations, to make greater use of the International Court of Justice and support its role in issuing advisory opinions on important topics in accordance with Article 96 of the Charter of the United Nations. Although these advisory opinions and other *obiter dictum* of the Court are not legally binding in nature, they carry moral and persuasive authority that can have a broad impact and lead to the peaceful settlement of disputes without parties having to undergo lengthy contentious proceedings.

My delegation cannot emphasize enough how much importance we attach to the work of the International Court of Justice. Throughout the year, its Judges and Registry work daily to ensure that the rule of law is upheld and to maintain a world of peace. In the light of this fact, we are of the view that, above all else, the integrity and independence of its Judges must be maintained. There should be a pension scheme for members of the Court so that they can enjoy security and equal treatment when they retire from their long years of service to the international community as adjudicants of international disputes. We therefore welcome the decision taken by the General Assembly in the last session to extend the discussion with regard to their retirement benefits to its seventy-fourth session.

Thailand also wishes to thank Mr. Philippe Couvreur, Registrar of the International Court of Justice, for educating and sharing his wisdom and insight with young Thai lawyers specializing in international law at the lecture series organized by the Department of Treaties and Legal Affairs of Thailand in Bangkok in February. We commend the Registry's role in upholding the rule of law and promoting the wider appreciation of international law to that end. We hope that useful programmes like the lecture series will be offered in future.

Finally, for all the foregoing reasons, Thailand once again wishes to express its gratitude to all the Judges, the Registrar and the Registry staff for their unwavering dedication and commitment to maintaining peace, justice and the rule of law within the international community.

Mr. Skinner-Klée (Guatemala) (*spoke in Spanish*): Guatemala takes the opportunity provided by the presentation today of the annual report of the International Court of Justice to the General Assembly (A/72/4) to share its views on the Court's role in promoting the rule of law, following the invitation extended to us by the Assembly in resolution 71/148 of 13 December 2016.

We are aware that, during the past 20 years, the workload of the Court has increased considerably. In this regard, the President of the Court, His Excellency Judge Ronny Abraham, in his statement before the General Assembly on 27 October 2016, stressed that the Court had not lost sight of

> "the importance of continually reflecting on the need to adapt the Court's working methods in order to respond to the increase in its workload and the complexity of the cases submitted to it" (*A/71/PV.34, p.8*).

Guatemala recognizes that the Court plays a fundamental role in the maintenance and promotion of the rule of law throughout the world. In that regard, my delegation notes with satisfaction that, in paragraph 8 of resolution 71/146, of 13 December 2016, the General Assembly recognizes the

> "important role of the International Court of Justice, the principal judicial organ of the United Nations, in adjudicating disputes among States and the value of its work, as well as the importance of having recourse to the Court in the peaceful settlement of disputes",

which is an assertion that we endorse today as both valuable and necessary.

The fundamental role of the Court in the system of peacefully settling disputes between States established by the Charter of the United Nations is recognized at the global level, which is why we must emphasize that all of the Court's endeavours are aimed at promoting and strengthening the rule of law. Through its judgments and advisory opinions, the Court contributes to interpreting and strengthening international and customary law, as well as generally accepted practices, making them all more robust.

Accordingly, the President and other members of the Court, the Registry and other staff members periodically speak and participate in forums, both in The Hague and elsewhere, on the Court's operations, proceedings and jurisprudence. These presentations allow the public to gain better knowledge of the work of the Court, both in terms of contentious proceedings

and consultative activities. In this regard, aware that the Court seeks to achieve the greatest possible understanding and dissemination of its decisions worldwide through its publications, we call for the use of all official languages of the United Nations in the important work the Court publishes so as to achieve greater dissemination and wider reach.

During the reporting period, the International Court of Justice had a particularly heavy workload, with 19 pending contentious cases and one pending advisory procedure, in addition to having issued four judgments and 14 orders. During this same period, the International Court of Justice held five hearings and dealt with five new contentious cases as well as one request for an advisory opinion. In addition, as of 31 July 2017, the Court still had 17 cases pending.

The outstanding contentious causes affect States on four continents, among which six States of the Americas, five States of Africa, five States of Europe and five States of Asia are involved. This geographical diversity among the cases reflects the universal nature of the jurisdiction of the principal judicial organ of the United Nations. We reiterate our respect for the Court and praise it for its work.

Mr. Alday González (Mexico) (*spoke in Spanish*): Mexico thanks Judge Ronny Abraham, President of the International Court of Justice, for presenting the report on the activities of the International Court of Justice during the reporting period (A/72/4). The number of cases being heard, including the submission of new cases and a request for an advisory opinion, are a testament to the dynamic nature of the Court and reflect its relevance, given that States continue to turn to it for the resolution of their disputes. The report also reflects the universality of the Court, demonstrating the regional diversity of its cases and the range of issues that are addressed, including territorial and maritime disputes, issues of consular law, human rights, environmental law, international accountability and the question of damages, immunity and the interpretation and application of international treaties.

The volume of the International Court of Justice's judicial activity is unique and distinct from that of other international courts and tribunals. International criminal tribunals and human rights tribunals seek to dissuade actors from perpetrating crimes and other violations of human dignity, with the ultimate goal of one day having no cases to consider. In contrast, recourse to the International Court of Justice will always be attractive for States, with the increase in its case load being a healthy symptom of the preference for peaceful solutions to controversies, as opposed to confrontation. For my delegation, that will always be the best approach. However, in order to guarantee that recourse to the Court remains an attractive option for States, it is necessary for the Court's judgments to be upheld. Adjudication alone is not enough to restore the rule of law when it is violated. Rather, adjudication is a prerequisite for taking measures to restore law and order.

Although paragraph 2 of Article 94 of the Charter of the United Nations indicates that the Security Council can take action in cases of non-compliance with the obligations imposed by a Court ruling, the political considerations surrounding the Security Council sometimes make it an inefficient and therefore ineffective mechanism, which can no doubt generate frustration among the States that have decided to submit their disputes to the Court in good faith. Mexico is no stranger to that reality. Nevertheless, we remain convinced that a simple, well-reasoned decision to call upon the Court must alone represent a willingness to comply with its rulings. Paragraph 1 of Article 94 of the Charter, on good-faith compliance with the Court's decisions, should always take precedence of the Article's second paragraph. Therefore, it is important to uphold the finality of the Court's judgments; such finality is set forth in Article 60 of the Statute of the Court.

While each and every one of the Court's judgments serves to consolidate the rule of law at the international level, the Court's impact extends beyond its judgments. Its openness to participating in and holding discussions in different forums, whether official or academic, with a range of stakeholders, also serves that purpose.

The world is facing new challenges. At a time when the drift towards isolationism and detachment from the multilateral order appears increasingly tempting, the validity of international law put to the test almost daily. This is a moment when the pre-eminence of the Charter of the United Nations becomes key and when the need for a strong Court is at its greatest, whose judgments are seen as success stories in our commitment to the law. We must therefore make greater efforts for the work of the Court to be known. Court cases should not only be understood and analysed in governmental and academic circles, but should also reach the widest

possible audience so that, in difficult times, the United Nations, through its principal judicial body, can be seen to provide concrete results that allow for the peaceful restoration of the rule of law.

We, the Member States, must honour our commitments to upholding international law. Strengthening the Court also means giving it our vote of confidence by recognizing its compulsory jurisdiction. We therefore strongly welcome the fact that Equatorial Guinea has recently joined the group of States that have expressly recognized that jurisdiction. We can also support the Court in other ways, for example, by including jurisdictional clauses in international treaties, by applying *forum prorogatum* or by calling upon the Court's advisory function, keeping in mind that the number of contentious cases in the past decade has been greater than all the advisory opinions issued by the Court since its inception.

Finally, we must ensure that the Organization endows the Court with the funds it needs to effectively fulfil its mandate. I reiterate the unwavering commitment of Mexico to the settlement of disputes through peaceful means and therefore its commitment to the International Court of Justice.

Mr. Mohamed (Sudan) (*spoke in Arabic*): My country's delegation aligns itself with the statements delivered by the representatives of the Islamic Republic of Iran and Algeria on behalf of the Non-Aligned Movement and the Group of African States, respectively. We thank the International Court of Justice for the report on its judicial activity from 1 August 2016 to 31 July 2017 (A/72/4).

The maintenance of international peace and security is one of the most important objectives of the United Nations. This objective is enshrined in the Charter of the United Nations as one of the reasons for the creation of the Organization. One of the essential principles of the Charter is that all Member States must strive to resolve their international disputes by peaceful means that do not pose a threat to international peace and security.

We commend the United Nations and its ongoing commitment to the peaceful settlement of disputes, which it has demonstrated on several occasions, with, for example, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, in 1970, the Manila Declaration on the Peaceful Settlement of International Disputes, in 1982, and the 2005 World Summit Outcome. The same can be said for a number of international instruments that were recently adopted by the General Assembly and the Security Council. The Charter should not just urge States to peacefully settle their disputes, but it should also provide a platform for doing so, pursuant to international law; this is the prime task of the International Court of Justice.

In order for the Court, as the principal judicial body of the United Nations, to be able to settle disputes, however, the States concerned must accept its jurisdiction, which can be done in various ways, including through a special agreement whereby a country becomes party to a treaty that stipulates that the Court is the body responsible for the arbitration or settlement of disputes arising from the treaty, or, in the alternative, it could issue a unilateral declaration accepting the Court's jurisdiction. Accordingly, the number of States accepting the Court's jurisdiction has increased, which has allowed the Court to carry out its work more effectively, bring about the peaceful settlement of disputes, maintain international peace and enable States to develop friendly relations based on the rule of law.

In recent years, the Court's activities have substantially increased, with an increasing number of Member States referring to it as the appropriate and effective venue for ensuring the peaceful settlement of disputes. The exclusive jurisdiction of the Court covers all cases referred to it by States parties, as well as all matters related to the authority of the Charter, and treaties and conventions in force; its authority is supported by the universal character of the judgments it issues. As a result, the Court is the organ of choice by States for the resolution of legal disputes.

To further energize that dynamic and encourage States to refer their disputes to the Court, the Secretary-General launched a campaign in 2013 to increase the number of States accepting the compulsory jurisdiction of the Court under Article 36, paragraph 2, of its Statute and to encourage States that had lodged reservations with regard to arbitration articles in international treaties to withdraw them. This campaign was successful and constructive and underscored the importance of the peaceful settlement of international disputes. Still, it is important that the campaign be extended. To that end, my country's delegation feels that it is especially important for Member States to

support United Nations endeavours and participate in any initiative that promotes accepting the universal jurisdiction of the Court.

As a judicial organ, the International Court of Justice is an especially attractive venue because the Court can be seized of all legal disputes under international law. Indeed, unlike other mechanisms aimed at settling disputes, the scope of the Court is not limited to one single area of international law. Any dispute can be referred to it, provided that the parties to the dispute wish to have it resolved there. The Court offers a number of options for the peaceful settlement of disputes as well as the means to break deadlocks effectively and in a cost-efficient manner. It delivers authoritative judgments and, more importantly, plays a major role in establishing the rule of law at the international level. By applying the law to its cases, it establishes and develops international law, thereby promoting the rule of law more generally. In other words, when States consent to and accept the jurisdiction of the Court as parties to a case within its jurisdiction, they are clearly indicating their recognition and respect for the rule of law. That is beneficial not just for consenting States, but for international law in and of itself, and for the entire international community.

In conclusion, my country's delegation calls on all Member States to make use of the various mechanisms and tools developed under international law, in particular the International Court of Justice, to settle disputes peacefully, and expresses its appreciation for the Court and all the steps that it has taken to fulfil its mandate as effectively as possible. We underscore the importance of finding ways to strengthen the Court and bolster its role, as it is the principal judicial organ of the United Nations.

From this rostrum, we call on the General Assembly and the Security Council to exercise wherever possible the power conferred upon them by Article 96 of the Charter to request advisory opinions from the International Court of Justice on any legal issue. We also encourage other countries to consider referring their disputes to the Court, using all possible means set forth in its Statute. Moreover, we urge States that have not yet done so to accept the jurisdiction of the Court in accordance with its Statute.

Mrs. Rolón Candia (Paraguay) (*spoke in Spanish*): I commend and congratulate Mr. Ronny Abraham in his capacity as President of the International Court of Justice, as well as the other judges of that international judicial body, for their hard work in advocating for the universal consecration of the principle of the peaceful settlement of international disputes. My country welcomes the report of the International Court of Justice for the period from 1 August 2016 to 31 July 2017 (A/72/4).

The Republic of Paraguay has a long-standing tradition with regard to multilateral issues, as one of the founders of the now-defunct League of Nations, and its successor, the United Nations. In the Republic of Paraguay, the rule of law prevails, international law is accepted, and the general principles that govern its international relations and its domestic legal system are adapted in accordance with its Magna Carta. We have also enshrined in our law both the renunciation of war and the inherent right to legitimate self-defence in cases of aggression. The Republic of Paraguay reiterates its commitment to and unconditional respect for the purposes and principles enshrined in the Charter of the United Nations, in particular the peaceful settlement of international disputes and the abstention from use or threat of use of force.

With regard to the jurisdiction of the International Court of Justice, the Republic of Paraguay is currently celebrating the twenty-first anniversary of depositing its declaration of acceptance of the compulsory jurisdiction of the Court in relation to any other State accepting the same obligation, with the goal of settling *ex nunc* all disputes provided for in Article 36, paragraph 2, of the Statute of the Court. It is worth mentioning that the only limitation Paraguay places on its acceptance of the Court's jurisdiction is *ratione temporis*. Consequently, our acceptance may be view to be very broad in terms of the legal disputes set forth in the Statute.

We take this opportunity to share with the General Assembly the fact that Paraguay's experience with respect to the Court's jurisdiction dates back to the American Treaty on Pacific Settlement of 1948, also known as Pact of Bogotá, which aimed at ensuring the abstention from use or the threat of the use of force, or any other means of coercion, in the settlement of disputes, and the recourse at all times to peaceful procedures whereby the high contracting parties declare that they accept *ipso facto* the compulsory jurisdiction of the Court with respect to any other State of the Americas. The importance of this regional instrument is therefore worth emphasizing.

The Republic of Paraguay, a peace-loving State, commends the other 72 States that have accepted the compulsory jurisdiction of the Court, in particular Equatorial Guinea, the Netherlands, Pakistan and the United Kingdom of Great Britain and Northern Ireland, each of which recently deposited a declaration to this end. This should encourage the international community to continue to pool its efforts aimed at promoting the rule of law and the principle of the peaceful settlement of international disputes. We urge those States that have not yet done so to accept the jurisdiction of the Court.

The Republic of Paraguay wishes to highlight the advisory work of the Court, which, since its establishment, has issued more than 20 advisory opinions. Set alongside its judgments, the advisory opinions have helped to bring about a greater understanding of international law in general and its further development. Similarly, with regard to its publications, both in print and digitally, the Republic of Paraguay encourages the Court to continue to publish its work and to ensure in particular that its publications are available in all the official languages of the United Nations. In addition, the delegation of Paraguay wishes to encourage Member States to pool their efforts with a view to guaranteeing the financial resources the Court needs for its work to be sustainable. As we wish the judges of the Court continued success in their functions in the current and future phases of their work, my delegation encourages them to continue to strive for legal equality among States and to make strides towards true universal peace.

Finally, with respect to the principle of the legal equality of States, which is one of the cornerstones of international law, we wish to recall the words of Manuel Gondra Pereira, a Paraguayan intellectual from the last century, who in 1924, at the fifth Pan-American Conference, held in Santiago, Chile, said,

> "In a conflict between States, the weak may be just, the strong also be just. But the injustice of one may be constrained by its own fragility, while the injustice of the other may seek to reach wherever its strength allows. Therefore, since the just cannot always be strong, we have pledged to make sure that the strong is always just."

Mr. Bin Momen (Bangladesh): Bangladesh thanks Judge Ronny Abraham, President of the International Court of Justice, for his comprehensive report, which details the judgments rendered by the Court during the reporting period (A/72/4). We also take note of the measures adopted to make the Court function with enhanced efficiency and visibility.

Bangladesh aligns itself with the statement delivered by the representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement. We thank the Court and its President for handing down a considerable number of orders during the reporting period.

Bangladesh attaches great importance to the crucial role played by the Court in promoting the peaceful settlement of international disputes, as set forth in the Charter of the United Nations. The Court has a crucial role to play in upholding and promoting the rule of law and in the maintenance of international peace and security. We highlight the power of the General Assembly, the Security Council and other authorized bodies of the United Nations, as well as specialized agencies with in its principal organs, to invoke the Court's advisory jurisdiction.

Bangladesh believes that the international community's sustained confidence in the International Court of Justice's work is manifest through the broad range of subjects of the cases submitted to it. The diversity of the subject matter further illustrates the general character of the Court's jurisdiction. While Bangladesh acknowledges the possibility of submitting cases involving contentious and protracted disputes on a wide range of subjects to the Court for authoritative judgments, orders and advisory opinions, we consider it advisable to submit cases matters of sufficient weight so as to avoid overloading the Court's already heavy workload, especially when many of those issues can be resolved through other legal and peaceful means.

As a nation with unequivocal commitment to the peaceful settlement of disputes, Bangladesh duly acknowledges the Court's judgments, advisory opinions and ongoing work with respect to territorial integrity and sovereignty, the unlawful use of force, and interference in the domestic affairs of States, among other issues. Bangladesh continues to follow with interest the Court's work on territorial and maritime disputes and on the conservation of natural and living resources. We have demonstrated our commitment to the international rule of law by resolving outstanding boundary-delimitation issues with our neighbouring countries through legal and peaceful means.

Bangladesh recalls the Court's valuable role in paving the way for the landmark adoption of Treaty on the Prohibition of Nuclear Weapons that we signed this year. Every year, we continue to co-sponsor the General Assembly draft resolution entitled "Follow-up to the Advisory Opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons".

Bangladesh acknowledges the need for adequate resources to ensure the proper functioning of the Court and urges all Member States to give due consideration to the Court's requests in this regard. We take note with appreciation of the efforts being made to further upgrade the Court's visibility online, including through its website, and to enhance the use of information and communications technologies in tandem with the growing volume and complexity of its work. We thank the Court for broadening its outreach to include more young people and students. We would recommend that the Court and its Registry consider ways to allow eligible students from the least developed and developing countries to benefit from the hands-on experience of working with the Court.

Bangladesh remains mindful of the General Assembly's call upon States to accept the Court's jurisdiction in accordance with its Statute. The authorities concerned should keep this issue under active consideration.

Mr. Lefeber (Netherlands): I would like, first of all, to thank His Excellency Mr. Ronny Abraham, President of the International Court of Justice, for his presentation of the report of the International Court of Justice (A/72/4) and for the outstanding work of the Court as the principal judicial organ of the United Nations. The Kingdom of the Netherlands continues to be proud to be the host country of the Court.

My Government recently renewed its declaration of acceptance of the compulsory jurisdiction of the International Court of Justice with a view to eliminating prior limitations on the jurisdiction of the Court in contentious cases involving the Kingdom of the Netherlands. Our only remaining reservation to the Court's jurisdiction is now one of *ratione temporis*: the Kingdom of the Netherlands will accept the Court's jurisdiction over all disputes arising out of facts or situations arising no earlier than 100 years before the dispute is brought before the Court.

We would encourage all States Members of the United Nations that have not yet done so to accept the compulsory jurisdiction of the Court by issuing a declaration pursuant to Article 36 of the Statute. We would also invite those States declaring acceptance of the Court's jurisdiction to do so with as few reservations as possible.

In this context, my Government notes with concern recent developments that point in the direction of more, rather than fewer, reservations being declared with respect to acceptance of the Court's jurisdiction. The Kingdom of the Netherlands considers additional limitations of the Court's jurisdiction to be undesirable and therefore would invite States that have entered reservations to reconsider them and amend their declarations to remove limitations on the exercise of jurisdiction of the International Court of Justice.

The meeting rose at 1 p.m.

United Nations A/72/PV.35

General Assembly

Seventy-second session

Official Records

35th plenary meeting
Thursday, 26 October 2017, 3 p.m.
New York

President: Mr. Lajčák ..... (Slovakia)

In the absence of the President, Mr. Brown (Liberia), Vice-President, took the Chair.

The meeting was called to order at 3.05 p.m.

Agenda item 74 (*continued*)

Report of the International Court of Justice

Report of the International Court of Justice (A/72/4)

Report of the Secretary-General (A/72/345)

Mr. Yelchenko (Ukraine): I would like to join previous speakers in welcoming His Excellency Judge Ronny Abraham, President of the International Court of Justice, to the General Assembly and in thanking him for his comprehensive briefing (see A/72/PV.34) this morning.

Today's discussion once again recognizes the crucial role that the Court plays in the areas of the peaceful settlement of international disputes and the interpretation of the rules of international law. The impartiality and independence of the International Court of Justice explains the strong demand for the Court to consider complex disputes and lays a solid foundation for respect for its decisions. Recently, multifaceted issues involving international relations previously untouched by the Court have been brought to its attention. This trend is very inspiring, especially given the Security Council's occasional inability to reach decisions that would contribute to resolving conflict situations, owing to the abuse of the right of veto.

The annual report of the Court (A/72/4) states that 72 of the 193 States parties to its Statute have now made declarations recognizing the jurisdiction of the Court as compulsory. The willingness of States to make respect for the law their primary consideration in international relations has a determinant effect on how the Court's decisions are implemented. Ukraine supports the further expansion of the jurisdiction of the Court to cover a wide range of legal disputes that may arise between States.

Given that Article 33 of the Charter of the United Nations envisages an obligation to settle any international dispute peacefully, Ukraine actively uses the mechanisms provided by international courts and tribunals to settle existing disputes, protect human rights and fight against impunity. The International Court of Justice is one of the main tools in this regard. Accordingly, Ukraine initiated proceedings in the Court against the Russian Federation in the case concerning the *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)*. On 19 April, the Court delivered an order on Ukraine's request for the indication of provisional measures in the case, stating that the Russian Federation must

> "refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to

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> conserve its representative institutions, including the Mejlis ... and ensure the availability of education in the Ukrainian language"

and that

> "[b]oth [p]arties shall refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve".

There is no doubt that the aforementioned order plays an important role in preventing irreparable harm by the Russian Federation to the human rights of Ukrainian citizens while this case is pending.

Failure to comply with the Court's decisions is recognized as an internationally wrongful act, a breach of various obligations arising ex contract and a duty imposed by customary international law. We believe that cases of non-compliance with the Court's decisions must be thoroughly addressed by the United Nations system so as to find a way to compel States to implement the Court's decisions in good faith. It is important to recall that the San Francisco Conference considered the possibility of qualifying a refusal to comply with the decision of the Court as an act of aggression. We therefore strongly believe that only full implementation by the Russian Federation of the Court's order will demonstrate that country's respect for the Court's judgments as well as its obligations under international law.

Furthermore, I would like to emphasize the importance of the voice of the United Nations in this situation, which is clearly reflected in the report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) entitled "Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)," released on 25 September 2017. According to the report,

> "[t]he human rights situation in Crimea has significantly deteriorated since the beginning of its occupation by the Russian Federation".

The report also contains recommendations for the Russian Federation designed to ensure implementation of the measures set forth in the Court order. As we see it, six months after the issuance of the Court order, the Russian Federation continues to neglect its duty to implement all elements of the order.

In the light of the ongoing deterioration of the human rights situation in Crimea, Ukraine has submitted a revised draft resolution for the consideration of the Third Committee on the "Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine" (A/C.3/72/L.42), based on last year's resolution 71/205 and relevant recommendations of the OHCHR. Ukraine would greatly appreciate the valuable support of all delegations and would welcome more sponsors for the draft.

In conclusion, I would like to emphasize that the judicial work of the Court is of utmost importance in promoting and strengthening the rule of law as part of common efforts to protect the established international order. I want to take this opportunity once again to thank President Abraham and his fellow judges for their efficient efforts in upholding the role of the Court.

Mr. Celarie Landaverde (El Salvador) (*spoke in Spanish*): We wish to begin our statement by thanking the President of the International Court of Justice, His Excellency Judge Ronny Abraham, for presenting the report of the Court (A/72/4), which details both the administrative and judicial activities undertaken by the principal international organ for resolving disputes between States Members of the United Nations over the last year. In this regard, my delegation notes with satisfaction that, during this period, the International Court of Justice again worked intensively in the jurisdictional sphere, issuing four final judgments and 14 orders in a number of cases involving contentious procedures and requests for advisory opinions.

All of the foregoing proves that the Court plays a far-reaching and fundamental role in the peaceful settlement of disputes, in large part because Member States can bring disputes in a wide range of matters within the sphere of international law, including human rights, environmental damage, the preservation of natural resources, international reparations and other forms of damages and State immunity, to name but a few, making the Court the principal judicial organ of the United Nations. Its role in the maintenance and promotion of the rule of law at the international level is momentous, contributing, through its judgments and advisory opinions, to the strengthening to the rule of law itself. It is also the only international tribunal of universal character with dual general jurisdiction.

It is therefore important to remember that one of the most important foundational principles of international

law is the obligation of all States to resolve their international disputes by all possible peaceful means, including the International Court of Justice. This obligation has led over the years to States' trust in the Court, which is reflected in the number of cases submitted to it for adjudication; some are still pending.

Despite this obligation, however, and despite the establishment of the Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice, it cannot be denied that while access to the peaceful settlement of disputes exists for all States in theory, the ability to do so is not the same for all the countries in the international community, owing to the fact that in recent years the costs of presenting claims or defending national interests in controversies before the Court have been increasing, thus making access to international justice more expensive. We therefore believe that we should take into account that the fact that States with low tax revenues or high debts are impeded from gaining access international justice in any form, which makes it necessary for us to find solutions and adopt measures to address this issue, which could undoubtedly affect the membership of the Organization in one way or another.

Furthermore, we believe that the increase in the Court's workload should attract the budget allocations needed so that the Court can resolve matters and provide rulings in a timely manner. We also believe that professional positions within the Court should be held by people from across the various geographic areas and legal systems of the world and in adherence to the principle of gender parity.

My delegation notes with satisfaction that over the past year the International Court of Justice has published and distributed its work in French and English. We also note that the Court's website has been revamped and is now viewable in French and English. Nevertheless, we would like to see all these official publications disseminated in the six official languages of the United Nations, so as to raise even greater awareness as to international law and the work of the Court, particularly among civil servants, lawyers and other legal experts, university professors and teachers.

In addition, we note with satisfaction and welcome the activities undertaken, both in New York and at the Palais des Nations in Geneva, to mark the seventieth anniversary of the International Court of Justice. Such celebratory activities invite us to remember that the United Nations was conceived as an institution whose primary vocation was to maintain peace and the international order. Indeed, one of the fundamental pillars of the Organization is the peaceful resolution of disputes through the International Court of Justice.

Finally, the Republic of El Salvador wishes to express its commitment to the work of the International Court of Justice, the principal judicial organ of the United Nations. We will support it in its efforts to maintain peace and international security. We also pay a just tribute to the seventieth anniversary of the constitution of the highest jurisdictional body, as well as to one of the most distinguished, universal and illustrious Salvadorans, the jurist and diplomat José Gustavo Guerrero, who was the first President of the International Court of Justice.

Ms. Dagher (Lebanon) (*spoke in French*): Allow me to thank the President of the International Court of Justice, His Excellency Mr. Ronny Abraham, for the report of the Court (A/72/4), which provides us with important information on the activities of the Court for the past judicial year. I would be remiss if I did not acknowledge the work done by the members and personnel of the Court.

Lebanon, deeply committed to the principles of law and the ideals of international justice, wishes in its turn to underline the major and pre-eminent role of the Court in the promotion of international peace and security. It should be recalled here that the Preamble of the Charter of the United Nations states that we, the peoples of the United Nations, are determined to

> "establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained".

In that respect, the Court, as the principal judicial organ of the United Nations, has made every effort to maintain the primacy of international law and consolidate the ideal of the rule of law. For more than seven decades it has contributed, through its more than 300 judgments, including orders and advisory opinions, to the harmonization of the norms of international law, which leads to greater predictability and clarity of those norms. The jurisprudence of the Court is also an essential contribution in that it specifies the content of the fundamental principles of international law and works towards its development.

Moreover, the increase in the number of cases before the Court is also a sign of its vitality. Indeed, it reflects the confidence that States place in that organ and their willingness to settle their differences peacefully. In addition, faced with a body of international treaties that tend to expand and diversify, we can only rejoice in the Court's productivity, which demonstrates its capacity to respond to its new challenges.

Let me also highlight the special importance for Lebanon of the use of both languages, namely, French and English, in the work of the Court, in accordance with Article 39 of its Statute. That linguistic diversity, which reflects a legal tradition and culture, promotes, through the use of both languages, a greater coherence of the Court's jurisprudence.

Let us recall that what distinguishes the Court most is its universal nature, since all States Members of the United Nations are ipso facto parties to its Statute. Hence the need to always be mindful, as set out in Article 9 of the Statute of the International Court of Justice, to have a Court composed of judges such that

> "in the body as a whole the representation of the main forms of civilization and of the principal legal systems of the world should be assured".

A Court with a more balanced composition would be a Court that would gain even more legitimacy and effectiveness.

Finally, it is also in that perspective that Lebanon has nominated the current Permanent Representative, Mr. Nawaf Salam, as Judge for the period 2018-2027, and is confident that with his academic and professional experience, Ambassador Salam will contribute to the laudable work of the Court.

Mr. Itegboje (Nigeria): I thank you, Mr. President, for convening this important meeting to consider the report of the International Court of Justice (A/72/4). Nigeria is grateful to the President of the Court, Judge Ronny Abraham, for his comprehensive report and insightful remarks (see A/72/PV.34).

My delegation aligns itself with the statement made earlier by the representatives of Algeria and Iran on behalf of the Group of African States and the Non-Aligned Movement, respectively (see A/72/PV.34).

The International Court of Justice is an important part of the United Nations mechanisms for the promotion of the rule of law and the maintenance of international peace and security through the administration of international justice. To be sure, the Court has made tremendous contributions to the promotion of and respect for the rule of law at the international level. Furthermore, over the years, the Court has continued to play a vital role in the maintenance of international peace and security through its rulings and judicial notices. It has also contributed remarkably to the corpus of international jurisprudence.

We have reviewed the Court's report before us, covering the period 1 August 2016 to 31 July 2017. We have taken note of the judicial and other activities of the Court during the reporting period, and we commend the Court for the measures it has taken in recent years to enhance its efficiency, which has facilitated the effective management of its increasing workload. In particular, we note that during the period under review, the Court experienced a high level of judicial activity, which included the delivery of judgments in *Marshall Islands v. Pakistan*, *Marshall Islands v. India*, *Marshall Islands v. United Kingdom*, and *Somalia v. Kenya*. There were public hearings and a request for an advisory opinion. The diversity of those cases illustrates the universal character of the jurisdiction of the Court.

In addition, it is significant that the cases submitted to the Court involved a wide variety of subject matters, including territorial and maritime disputes, consular rights, environmental damage and conservation of living resources, human rights, international responsibility and compensation for harm and the immunity of States. That variety of subject matter represents the general character of the jurisdiction of the Court and attests to its relevance as the principal judicial organ of the United Nations and as a mechanism for the peaceful resolution of disputes.

We also note that during the period under review, the General Assembly requested the Court to render an advisory opinion on the legal consequences of the separation of the Chagos archipelago from Mauritius in 1965. We hope the Court's decision would facilitate the early settlement of the territorial dispute between Britain and Mauritius.

Nigeria notes with appreciation the launch of the Court's new website. We believe that the website will enhance the experience of all visitors, as well as meet the needs of the legal, diplomatic and academic communities. Similarly, it will ease the work of members of the press. Students will also benefit from

the huge amount of information and knowledge to be accessed.

Nigeria will continue to abide by its commitment to the promotion of international justice and the peaceful settlement of disputes, as a State party to the Statute of the International Court of Justice. By accepting the Court's ruling on our border dispute with Cameroon, we have demonstrated our conviction and our commitment to the precepts and principles of the Court. We encourage all Member States to continue to offer their support to the activities of the Court in its efforts to promote international justice and the rule of law.

Mr. Llorentty Solíz (Plurinational State of Bolivia) (*spoke in Spanish*): The Plurinational State of Bolivia expresses its gratitude for the report of the International Court of Justice (A/72/4) corresponding to the period from 1 August 2016 to 31 July 2017. The report was presented by the President of the International Court of Justice, Judge Ronny Abraham (see A/72/PV.34), to whom we express our full support for the important work that he carries out.

Bolivia, as a peace-loving State and promoter of the culture of peace, and as a State whose primary vocation is to uphold international law, adheres to the purposes and principles of the Charter of the United Nations and the fundamental pillars pursuant to which the International Court of Justice discharges its functions. The universal jurisdiction of the Court and the work that it has been doing in the 71 years since its creation demonstrate that it looks to ensure dialogue among neighbouring and sisterly nations, calling for peaceful means always to be set above the use of the force, aggression, military incursions and unilateral actions. In that light, the work of the Court, both in its jurisdictional and advisory capacities, is crucial to guarantee and maintain international peace in accordance with the principles of the Charter.

Bolivia takes due note of the jurisdictional activities of the Court. We note the new cases brought before the Court, particularly the General Assembly's request, in resolution 71/292, of 22 June, for an advisory opinion on the legal consequences of the separation of the Chagos archipelago from the Republic of Mauritius in 1965.

It is noteworthy that after an extended period of time, the International Court of Justice is once again taking up its advisory role. Such a role is a peaceful and preventive way to deal with disputes, and it contributes significantly to States' fulfillment of the obligation to settle their international disputes peacefully. The principle of the peaceful settlement of disputes — recognized by the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States and by the Manila Declaration on the Peaceful Settlement of International Disputes — remains valid among the international community at a time when we are facing new and more complex challenges.

It is important to underscore the fact that this year the Court will renew a third of its body of judges through the election procedure established by the Charter and the Statute of the Court. Through that procedure persons of the highest moral and professional character will be elected, but also it will form a Court that is essentially independent of the countries of origin of those selected. It is therefore crucial that, in the Court as a whole, the main civilizations and the principal legal systems of the world should be represented, as established by the Statute of the Court, and for that there must be equitable geographical representation among members. That aspect merits special attention by the Court and by the States that turn to it, because multiple legal orders interact in it, as a reflection of a more globalized world, multipolar, pluralized and more complex. The true international nature of the Court is found precisely in its exercising jurisdiction with understanding of a more universal and dynamic international law, with a tribunal that overcomes the antiquated tradition of only two Eurocentric court systems.

Upon reading the report and seeing the pre-eminence of cases originating in Latin America, it becomes evident that more judges from that region are needed and that consideration should be given to introducing Spanish as one of the official languages of the Court.

We have taken due note of the increase in the effectiveness and efficiency of the Court's tasks with the use of the new technologies, as well as of its work of dissemination and integration to promote the value of international law in the maintenance of peace and international security. Without a doubt, that contributes to better understanding and performance with regard to the challenges entailed by the evolving agendas and the complex cases that are brought to the Court. However, it is the proven quality of its decisions, its proven adherence to international law, evidence and reasoning, its demonstrated probity and independence

that are considered to be its main contribution and greatest value to the community of nations.

We also take note of the scope of the economic and budgetary requirements described in the report, and we value their appropriate use according to what is reported. With that understanding, we express our readiness to support all decisions that are necessary to satisfy those needs.

Bolivia has two cases before the Court. We are a plaintiff in one and a defendant in another. We accept and respect the jurisdiction of the Court and have confidence that its decisions will contribute to the positive resolution of the disputes that are separating two neighbouring and brotherly nations. As President Evo Morales did, we reiterate to the Assembly that Bolivia believes in the peaceful settlement of disputes between States in order to achieve the integration of our peoples. That is the path that we have chosen to follow as firm supporters of international law. The Court has a long way to go along the path of achievement. There are cases that peoples and States bring to The Hague in the hope of receiving justice, reparation and adequate and reasonable settlements, as well as in the hope for a new beginning with bigger and better opportunities for all parties.

In conclusion, Bolivia reaffirms that it upholds the peaceful resolution of conflicts. We reiterate our faithful adherence to the principles of international law and to the provisions of the Charter. It is not force that bestows rights; rather, it is the cause of law, justice and legislation that repairs inequality and injustice.

Mr. Sharma (India): I begin by thanking Judge Ronny Abraham, President of the International Court of Justice, for his comprehensive report on the judicial activities of the Court for the period from August 2016 to July 2017 (see A/72/PV.34). I thank him and Vice-President Yusuf for guiding the work of the Court.

The Court is entrusted with the task of the peaceful resolution of disputes between States, which is fundamental for the fulfilment of one of the purposes of the United Nations, namely, the maintenance of international peace and security. From its first sitting in April 1946 until July 2017, the Court has been seized of 168 cases and has delivered more than 120 judgments and 27 advisory opinions. We acknowledge that the Court has fulfilled the task of settling disputes between the States peacefully and admirably and thus has acquired a well-deserved reputation as an institution that maintains the highest legal standards in accordance with its mandate under the Charter of the United Nations and its Statute, which is an integral part of the Charter.

The report of the Court, contained in document A/72/4, illustrates the importance that States attach to the Court and the confidence they have in it. The importance of the Court is evident from the number, nature and variety of cases that it deals with and its ability in dealing with complex aspects of public international law. The diverse geographical spread of cases is illustrative of the universal character of the jurisdiction of the Court. Furthermore, the Court has not lost sight of adapting its working methods to respond to the increased workload and complexity of the cases submitted to it.

The Court plays an important role in maintaining the rule of law throughout the world. Everything the Court does is aimed at promoting and reinforcing the rule of law through its judgments and advisory opinions. The judgments delivered by the Court have played an important role in the interpretation and clarification of the rules of international law, as well as in the progressive development and codification of international law. In performing its judicial functions, the Court has remained highly sensitive to the political realities and sentiments of States while acting in accordance with the provisions of the Charter of the United Nations, its own Statute and other rules of international law.

To date, 17 contentious cases are pending before the Court. During the judicial year 2016-2017, the Court delivered judgment in four cases. These cases involve complex factual and legal issues, inter alia, in the areas of maritime delimitation, rights of navigation, territorial sovereignty and the environment. During the past judicial year, the Court handed down several orders and held public hearings in five cases. One such case was brought by India, on which it held hearings on the request for the indication of provisional measures submitted by India.

The Court has a dual jurisdiction, wherein it decides, in accordance with international law, disputes of a legal nature that are submitted to it by States and renders advisory opinions on legal questions at the request of the organs of the United Nations or specialized agencies authorized to make such requests. During the 2016-2017 period, the Court received a request

for an advisory opinion. On 22 June the Assembly adopted resolution 71/292, in which, by referring to Article 65 of the Statute of the Court, the Assembly requested the Court to render an advisory opinion on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965. That function of the Court adds to its important role in clarifying and expounding key principles of international law.

We appreciate the efforts of the Court in ensuring the greatest possible global awareness of its decisions through its publications, multimedia offerings and website, which now feature the entire jurisprudence of the Court as well as that of its predecessor, the Permanent Court of International Justice. These sources provide very useful information for States wishing to submit a potential dispute to the Court.

Finally, India wishes to reaffirm its strong support for the Court and acknowledges the importance that the international community attaches to its work. That is also evident, as far as India is concerned, from the fact that India has renominated Judge Bhandari for election to the Court to make his services available for the cause of international justice.

Mr. Trujillo (United States of America): The United States would like to thank President Abraham for the comprehensive report to the General Assembly on the work of the International Court of Justice (A/72/4) over the course of the past year. The International Court of Justice plays an important role in adjudicating disputes among Member States, giving States that so consent a forum in which to settle their disputes peacefully in accordance with Article 33 of the Charter of the United Nations.

As the principal judicial organ of the United Nations, the International Court of Justice has, for more than seven decades, played an important role in pursuit of the overarching goal, as set forth in the Charter,

> "to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained".

As in years past, we see States increasingly turning to the Court and to other international judicial tribunals to resolve their disputes. The Court has, in turn, increased its efforts to become more responsive to States, including by taking steps to increase its efficiency and to refine its procedures and working methods to keep pace with the rapidly changing times. By providing a trusted channel for States to resolve some disputes upfront and helping to defuse others before they escalate, the Court continues to fulfil its Chapter XIV mandate.

The United States would also like to commend the Court for continued public outreach to educate key sectors of society about the role of the Court and to promote a better understanding of public international law. Those efforts demonstrate the Court's enduring commitment to advancing the rule of law.

In conclusion, we are pleased to join so many others today in extending our thanks and commendation to President Abraham, his fellow members of the Court and all Court staff for their professionalism and their dedication to promoting international justice.

Mr. Ly (Senegal) (*spoke in French*): My delegation aligns itself with the statements made by the representative of Algeria on behalf of the Group of African States and by the representative of Iran on behalf of the Non-Aligned Movement (see A/72/PV.34).

In its national capacity, my delegation, like those who have spoken before me, thanks and congratulates President Ronny Abraham for his report on the activities of the International Court of Justice (A/72/4), which provides a broad overview of the developments in the treatment of the various cases pending before it and especially the content of the decisions it has handed down. Through the President, we wish to express our gratitude to all those who contribute to the success of the action of the Court on a daily basis.

It must be said that today's meeting is, first and as always, an important moment enabling us to reflect on the Court's action in the quest for international peace and security through law, as demonstrated by the increase in cases brought before the Court in recent years. It is also an opportunity to examine our possibilities in terms of strengthening our common commitment to promoting the rule of law and the primacy of law. Finally, it is an opportunity to exchange views on complementarity and to find harmony in the simultaneous exercise by the General Assembly and the Court of their respective functions in favour of international stability.

My delegation renews its support for the Court in the fulfilment of its mission, which is none other than to work for the peaceful settlement, in accordance with the principles of justice and international law,

of international disputes that could threaten peace. It is also the responsibility of the Court, the principal judicial organ of the United Nations, to resolve any legal issues that may arise between parties to a dispute. The resolution of those legal issues is often important and sometimes decisive in the political settlement of the dispute.

Equally through its jurisprudence the Court constantly contributes to the development of international law, the legal basis of our shared desire for a shared life in a reconciled world. Through its judgments and advisory opinions, the Court, while illuminating and fuelling doctrine, also participates in the dissemination of legal science by ensuring wide publicity of its decisions throughout the world. In that regard, respect for and implementation of its decisions must always be ensured.

My delegation reiterates that the credibility and effectiveness of the Court's work will largely depend on its ability to take into account, in its functioning, all legal systems, in addition to greater multilingualism. That applies equally to the coherence of its jursiprudence.

Finally, my delegation hopes that the Security Council and the Court will continue to work in a spirit of ever closer cooperation and ever stronger collaboration in order to win the permanent battle for peace and security on our planet, in line with the purposes and principles of the Charter of the United Nations and international law, which are the essential foundations of a more peaceful, prosperous and just world.

Ms. Telalian (Greece): Greece wishes to express its appreciation to the President of the International Court of Justice, His Excellency Judge Ronny Abraham, for his comprehensive report (A/72/4) on the judicial activities of the Court over the past 12 months.

Greece also takes the opportunity to commend the Court, as the principal judicial organ of the United Nations, for its constant role in promoting the peaceful settlement of international disputes in conformity with the principles of justice and international law and thus contributing to the furtherance of the overall objectives set out in the Charter of the United Nations.

The International Court of Justice has a prominent position in the contemporary system of international justice as the only international court with both general and universal jurisdiction in inter-State disputes, since it is open to all States and may, subject to the provisions of the Charter and its Statute, decide on any question of international law. The increasing caseload of the Court, the complexity and diversity of the cases pending before it and the fact that those cases involve States from all continents provide clear evidence of the trust placed in the Court by States and the high level of expectations surrounding its members as the guarantors of respect for the rule of law and the principles of impartiality and independence. As a matter of fact, pending cases cover the most varied aspects of international law, ranging from classical areas, such as the law of the sea, diplomatic and consular relations and the law of State responsibility, to more contemporary ones, such as international environmental law, which has gained growing attention in recent years.

Greece has actively demonstrated its confidence in the International Court of Justice and its strong commitment to the peaceful settlement of international disputes by submitting, as early as 1994, a declaration of acceptance of the compulsory jurisdiction of the Court, under Article 36, paragraph 2, of its Statute. After reviewing that declaration in order to take account of new developments, Greece recently decided to reaffirm its confidence in the International Court of Justice by submitting a new declaration, in 2015.

Furthermore, it is of the utmost importance for us to emphasize the contribution of the Court in upholding and promoting the rule of law. Since its establishment, the Court has developed a robust case law, which has greatly contributed to both legal certainty and the promotion and clarification of international law, including through the confirmation and identification of rules of customary international law and jus cogens norms, the development of the law of the sea and the rules governing maritime delimitation, as well as the establishment of principles applicable to State responsibility.

Finally, we would like to address the role that the International Court of Justice can play in conflict prevention by facilitating the process of preventive diplomacy through the delivery of advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies. The advisory opinions rendered by the Court, although not binding per se and limited in number in comparison to its judgments in contentious cases, have nevertheless been generally recognized as carrying legal weight and moral authority. However, in our view, recourse to the Court's advisory function should not circumvent

the fundamental principle that a State shall not have its disputes submitted to judicial settlement without its consent.

Greece once again wishes to express to the Court its appreciation for its valuable contribution to the consolidation of world peace and justice through its jurisprudence over the years.

Mr. Rosselli (Uruguay) (*spoke in Spanish*): Uruguay thanks the International Court of Justice and its President, Judge Ronny Abraham, for his presentation (see A/72/PV.34).

The International Court of Justice, as one of the principal organs of the United Nations, is the body charged with imparting justice in this area, not only between those Member States that have accepted its jurisdiction, but also for those that accede to it of their own volition before a concrete case, and in accordance with what is provided in Article 93 of the Charter of the United Nations.

Since the pacific solution of controversies is one of the principles enshrined in the Charter, the Court and its Statute are intrinsic to the system of the United Nations system and have been since its conception. Its fundamental role in the peaceful resolution of disputes is duly valued. Its judgments are points of reference in international law. They shape doctrine and are cited by courts and other tribunals in their own judgments.

The Court has seen an expansion of the scope of the matters submitted for hearing and resolution, as its jurisprudence is important in terms of of international humanitarian law and international human rights law, taking into account in its judgments citations from other courts, such as the Inter-American Court of Human Rights. That shows the development of international law and its progress and growth in the past 20 years, as indicated by Judge Abraham in his report (A/72/4). The Court has a fundamental role in the maintenance and promotion of the rule of law, contributing through both its judgments and its advisory opinions to the maintenance of peace and security and the strengthening and development of international law.

Uruguay has been and is a defender of the peaceful settlement of disputes, incorporating the jurisdiction of the International Court of Justice in all the treaties ratified by the Republic in which there was agreement, in that regard, with its counterparts. In that framework, my country has been respectful of its rulings, as was shown recently in a case involving Uruguay in an application before the Court. Uruguay has also received its advisory opinions as relevant contributions to international law that ought to be followed by the international community.

The traditional position of Uruguay with respect to international law and the obligations resulting from its rulings has manifested itself in other jurisdictional areas at the regional and international levels. Uruguay's fidelity to policy regarding human rights has been reflected in the way it acts in cases to which it is party, as was the case initiated at the beginning of 2010 by the tobacco company Philip Morris before the International Centre for Settlement of Investment Disputes (ICSID), which went against two standards adopted by Uruguay for tobacco control and which resulted in a ruling favourable to Uruguay.

To conclude, I take this opportunity to reiterate Uruguay's commitment to the Charter of the United Nations, the Statute of the Court and the progressive development of international law and its codification.

Ms. Pino Rivera (Cuba) (*spoke in Spanish*): Cuba associates itself with the statement made by the representative of the Islamic Republic of Iran on behalf of the Movement of Non-Aligned Countries (see A/72/PV.34). We appreciate the presentation of the report of the International Court of Justice (A/72/4), and we also wish to express our commitment to the strict application of international law and the peaceful settlement of international disputes.

Cuba acknowledges the work done by the Court since its inception. Its judgments and advisory opinions have been of special importance, not only in terms of the cases submitted for its consideration but also for the development of public international law. The volume of cases referred to the Court, many of which correspond to the Latin American and Caribbean region, demonstrate the importance that the international community and this region in particular attach to the peaceful settlement of disputes.

The Republic of Cuba addresses the peaceful settlement of disputes in accordance with Article 33, paragraph 1, of the Charter of the United Nations. We regret that some Court judgments have not been executed, in clear violation of Article 94 of the Charter of the United Nations, which establishes that each Member of the United Nations undertakes to comply with the decision of the International Court of Justice

in any case to which it is a party. That demonstrates the need to reform the United Nations system so as to grant greater guarantees to developing countries in the face of powerful nations. Cuba considers it useful for the Court to present a critical assessment of its relationship with the organs of the United Nations, especially the Security Council.

Many significant cases have been dealt with by the International Court of Justice. Cuba attaches great importance to the advisory opinion issued unanimously on 8 July 1996 on the *Legality of the threat or use of nuclear weapons*. In that, the International Court of Justice concluded that there is an obligation to undertake in good faith and bring to a conclusion negotiations for nuclear disarmament in all its aspects under strict and effective international control. Cuba also urges that the advisory opinion of 9 July 2004 on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* be fully respected and calls on all States to respect and guarantee respect for the provisions of the Court in this important case.

We also attach great importance to the allocation of the budgetary resources necessary for the International Court of Justice to adequately carry out its work in order to achieve a peaceful settlement of the conflicts it has under its jurisdiction. We call for work to ensure that these resources reach the Court in a timely and appropriate manner.

We wish to thank the Court for the publications made available to the Governments parties and for the online resources, which constitute a valuable material for the dissemination and study of public international law, especially for developing countries. Many such countries, including our own, are often deprived of information related to the advances of international law. Cuba is a country with a peaceful vocation that is respectful of international law and has always faithfully fulfilled its international obligations derived from the treaties to which it is party. In that regard, we wish to take this opportunity to reiterate Cuba's commitment to peace.

Finally, our delegation wishes to underscore that the events that have taken place in recent years clearly demonstrate the importance of the International Court of Justice as an international jurisdictional body that resolves, in accordance with international law and peacefully and in good faith, disputes that have the greatest impact for the international community.

The Acting President: I now give the floor to the observer of the Observer State of Palestine.

Mr. Bamya (Palestine): The State of Palestine aligns itself with the statement delivered by the representative of Iran on behalf of the Non-Aligned Movement.

The State of Palestine stresses that the international rule of law is of paramount importance for the achievement of international peace and security and that there can be no rule of law without justice. Therefore empowering the International Court of Justice is an integral and key part of our efforts to ensure fulfilment of the purposes and principles enshrined in the Charter of the United Nations. The State of Palestine considers that the Court's well-established credibility and authority has allowed it to play an important role in the peaceful settlement of disputes. It calls on all States to recognize the compulsory jurisdiction of the Court as an important contribution towards upholding the international rule of law.

The State of Palestine stresses that all States and bodies of the United Nations must respect the decisions and opinions delivered by the Court. In this context, Palestine condemns Israel's disregard for and continuous breach of international law, including following the advisory opinion delivered by the Court in 2004, which declared the wall built by Israel in the occupied Palestinian territory, as well as its associated regime, illegal. It considered that such actions may amount to unlawful de facto annexation, in violation of the cardinal principle of the inadmissibility of the acquisition of land by force.

Palestine calls on all States to uphold their obligations under international law, including as they pertain to non-recognition, distinction between the occupied territory and the territory of the occupying Power, holding accountable those who commit violations and crimes, not rendering aid or assistance to the commission of unlawful actions and contributing to the early realization by the Palestinian people of their long-denied right to self-determination.

The State of Palestine is a strong advocate for the activation, strengthening and universality of international accountability mechanisms and has decided to join all those available to it. We are convinced, as demonstrated by our own experience and the ongoing occupation of our land and violation of our people's rights, that impunity fosters criminality

and that accountability alone can ensure respect for international law and advance peace.

(spoke in French)

In conclusion, the State of Palestine thanks the President of the International Court of Justice, His Excellency Ronny Abraham, for his report (A/72/4) and his efforts at the helm of the Court. We commend States for their recourse to the International Court of Justice to settle their disputes. Palestine stresses that the number of cases brought before the Court and their diversity, both in terms of topics examined and geographical range, constitutes further evidence of the importance of the Court and its mandate, as well as the need to work to consolidate its universality.

The Acting President: We have heard the last speaker in the debate on this item. May I take it that the General Assembly takes note of the report of the International Court of Justice?

It was so decided.

The Acting President: Several speakers gave asked to speak in exercise of the right of reply. May I remind members that statements in exercise of the right of reply are limited to 10 minutes for the first intervention and to 5 minutes for the second intervention and should be made by delegations from their seats.

Mr. Musikhin (Russian Federation) (*spoke in Russian*): We are compelled to comment on the statement by the delegation of Ukraine. We wish to recall that the debate on the report of the International Court of Justice is not the appropriate format for discussing the substance of cases that are being considered by that organ. Instead of making a constructive contribution to the debate, the delegation of Ukraine has once again embarked on propagandistic rhetoric. Moreover, it proceeded to distort the judgments of the Court.

The picture painted by the Ukrainian delegation is far removed from reality. To understand that, it should suffice to look at the order for provisional measures in the framework of the case of *Ukraine v. Russian Federation* and the materials dealt with in the proceedings.

First of all, the Court did not support the statement of Ukraine about an alleged occupation or the status of Crimea. In that regard, the insinuation made by the Ukrainian delegation today is inappropriate. The Court rejected all Ukraine's requests for any sort of provisional measures on the International Convention for the Suppression of the Financing of Terrorism, considering that they were not plausible. The Court also appealed to the parties to work for full implementation of the Minsk agreements, recognizing that those agreements were adopted and signed by a number of parties, including by the representatives of Donetsk and Luhansk — a fact that Ukraine seeks to deny.

As regards the International Convention on the Elimination of All Forms of Racial Discrimination, the Court did not support any of the provisional measures in the way that had been requested by Ukraine. Instead, the Court took a decision to apply three provisional measures that it formulated itself. Two of them are addressed to Russia and one to both parties, which for some reason the Ukrainian delegation forgot to mention. In the light of all that has been said, we would like to point out that we are respectful of the relevant rulings of the Court and have taken all the necessary measures for their implementation.

Incidentally, it is noteworthy that in considering issues of human rights in various forums, the Ukrainian authorities recently adopted legislation that bears all the signs of being discriminatory in virtually prohibiting the teaching in languages of national minorities. Maybe not everyone knows that that step triggered concern even among some of the allies of Kyiv in the European Union. A revealing statement was made by a country neighbouring Ukraine.

The new Ukrainian legislation encroaches on the rights of national minorities, making their situation worse than during the times of the Soviet Union. By engaging in recriminations against Russia, the Ukrainian authorities are actually pursuing a policy that substantially violates the rights of its own population. To that, we should add that the culprits are not just in Kyiv, but in those countries that consistently pander to its subversive policy.

We call on delegations to reflect upon this, including in the light of the recent messages of support for the latest anti-Russian steps of Ukraine.

Mr. Yelchenko (Ukraine): I wish to make a few points. First of all, I am greatly amused to hear the statement in exercise of the right of reply just delivered by the delegation of the Russian Federation. It appears that the Russian delegation came here only to make this right of reply. They did not make a statement on the substance of today's meeting, which in itself shows the

total disrespect for the report of the International Court of Justice.

My second point is that I did not say a single word that the Russian representative refers to in his right of reply. I never referred to the case in my statement, which the representative of the Russian Federation referred to several times.

My third point is that we were not referring to the case presented by Ukraine with reference to the International Convention for the Suppression of the Financing of Terrorism, which is relevant to Donbas. We referred only to the case that is relevant to Crimea.

My fourth point is that the President of the Court, Judge Abraham, spent around 15 minutes describing to the delegations present here the two cases presented by Ukraine against Russia.

My last point is on the substance of the statement by the Russian delegation, although I believe that that statement is not relevant to the agenda item we discussed today.

It is a clear and unequivocal fact that the temporary occupation and the subsequent attempt to annex the Autonomous Republic of Crimea and the city of Sevastopol and Russia's illegal actions in Donbas fall squarely under the definition of an act of aggression, in line with the provisions of article 3, paragraphs (a), (b), (c), (d), (e) and (g), of the annex to General Assembly resolution 3314 (XXIX). The Assembly's adoption of resolution of 68/262, on the territorial integrity of Ukraine, and resolution 71/205, on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, is a strong confirmation of that.

Russian actions in Ukraine constitute the most serious crime against the international peace that the United Nations is striving to preserve. They entail international responsibility of the Russian Federation as a State and the international criminal responsibility of its senior leadership. We urge the Russian Federation to cease internationally wrongful acts on the territory of Ukraine, to offer appropriate assurances and guarantees of their non-repetition, and to make full reparation, compensation and satisfaction for the damage already caused.

Regarding the aforementioned International Court of Justice Order, we urge the Russian Federation to fully and unconditionally implement it, together with all the recommendations made by the Office of the United Nations High Commissioner for Human Rights in more than 20 reports on Ukraine.

In conclusion, we would like to draw the attention of the Russian Federation to the third provisional measure from the Court Order, namely, to refrain from any action which might aggravate or extend the dispute or make it more difficult to resolve.

Mr. Musikhin (Russian Federation) (*spoke in Russian*) : I will be as brief as possible.

To begin, I would like to comment on the statement of the delegation to the effect that we did not speak during the debate. In the view of the Ukrainian delegation, that seems to mean something about our attitude to this debate. That has no relationship to reality. Our position on the report of the International Court of Justice and its activities as a whole is well known to the Court, and it has been brought to its attention in other formats, including at yesterday's Security Council briefing (see S/PV.8075). The delegation of Ukraine knows that very well.

As for the repeated accusations about occupation, our position is well known. We will not repeat it now. With respect to the third aspect, regarding the provisional measures indicated by the Court, once again I would like to recall that they apply equally to the delegation of Ukraine.

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 74?

It was so decided.

The meeting rose at 4.20 p.m.